

Health Benefits system to the District of Columbia exchange set up under" the ACA. The nominees, Jeff T.H. Pon for director and Michael Rigas for deputy director, were informed that the committee sought documents regarding that topic as part of the confirmation process. Johnson added, "I've already spoken to both the nominee for director and for the deputy director. ... They're fully aware of it, and you can expect that question coming up in the hearing tomorrow as well."

KEY QUESTIONS SURROUND THE SENATE'S BIPARTISAN HEALTHCARE PROPOSAL.

The [Washington Examiner](#) (10/18, King, Leonard, 465K) examines some key questions about the bipartisan plan circulated by Sens. Lamar Alexander (R-TN) and Patty Murray (D-WA). The piece discusses whether the plan could pass in the House given the Republican Study Committee's tweet that the deal was a "bailout," and whether the President will support it. The Examiner also assesses how states will benefit from the measure, including whether 2018 rates will be affected, and the piece asks whether the Administration might delay open enrollment which is set to start November 1.

COMMENTARY CONSIDERS HEALTH REFORM. Several outlets offer opinions on health reform.

Matt O'Brien writes for the [Washington Post](#) (10/17, 10.38M) "Wonkblog" that President Trump is taking a "three-pronged approach to undermining Obamacare" which includes cutting back on outreach, letting people buy "bare-bones coverage" again, and "pulling the plug on Obamacare's cost-sharing reduction payments." O'Brien discusses Trump's statements in support of a bipartisan bill that would continue the CSRs, but concludes, "The only thing that is clear is that right now Trump is threatening to take steps to make insurance more expensive and markets less stable than they were before."

Brian Balogh writes in a [Washington Post](#) (10/17, 10.38M) piece that last week, President Trump again sought to erase "his biggest humiliation since taking office: the failure to repeal and replace Obamacare." The executive order he signed includes a provision to expand access to "Association Health Plans." Balogh wonders if Trump understands what comprises an association, and adds, "We really can't blame the president for not knowing the scope of associations, though. Few Americans understand how associations affect every facet of their daily lives."

Aaron Blake writes for the [Washington Post](#) (10/17, 10.38M) "The Fix" blog that President Trump first justified his decision to stop paying ACA subsidies to insurers because the insurance companies were "getting rich" off of them, pointing to their stock prices. Blake adds that Trump was "cherry-picking his data" from the date the ACA passed, not when it was "actually implemented," and leaves out the fact that insurers are "generally taking losses from their Affordable Care Act plans." The piece concludes, "Very little of it makes sense, and coming from a president who seemed to vacillate daily on what he wanted from an Obamacare replacement, it suggests Trump doesn't really have a game plan or understanding of how all of this works."

Joshua Jamerson writes in a Wall Street Journal (10/17, 6.45M) “WashWire” piece that President Trump has indicated he would sign a bipartisan effort to shore up ACA marketplaces. Jamerson adds that Sens. Lamar Alexander (R-TN) and Patty Murray (D-WA) are working on such a measure. It would authorize funding for ACA subsidy payments to insurers, and provide states with more flexibility to reshape the healthcare law.

Bloomberg View (10/17, 4.52M) editorializes that the bipartisan agreement reached by Sens. Lamar Alexander (R-TN) and Patty Murray (D-WA) to shore up the health insurance system is “exactly the kind of rational compromise that Washington needs more of.” The editorial urges President Trump to “get his own party, especially in the House of Representatives, to help pass it.” The piece concludes that “by demonstrating how readily the law can be tweaked in productive ways that appeal to both Democrats and Republicans, it could begin to lay a bipartisan foundation for the U.S. health-care system.”

Michael Katz, a pediatric anesthesiologist, writes in The Hill (10/17, 1.68M) that the healthcare debate in Washington is “missing a fundamental point: the real problem with American health care is the fundamentally flawed business structure underlying its delivery.” Katz explains that the “system is exceptionally good at caring for the very sick, injured and dying but poorly equipped to promote a healthy society and the healthy lifestyles that consume less care.” The piece recommends that the President and Congress enact policies to “develop a consolidated and integrated health system” and concludes that we need leaders who recognize “our society’s moral obligation to achieve health equality.”

David O. Barbe, President of the American Medical Association, writes in the U.S. News & World Report (10/17, 1.73M) that the Trump Administration’s “decision to end cost-sharing reduction payments not only disrupts the health insurance market, but contradicts many of the health reform priorities expressed this year by both the president and members of Congress.” The decision will “not increase competition or consumer choice” of health insurance plans, will “cause average premiums to rise by 20 percent in 2018,” and will “increase the federal deficit by \$194 billion from 2017 through 2026,” according to Congressional Budget Office analyses. Barbe concludes, “Clearly, the recent action taken by the administration has created a crisis point where partisan differences must be set aside in favor of a bipartisan agreement to maintain the stability of the non-group insurance market place” and that “our patients are counting on Congress to do the right thing.”

The New York Daily News (10/18, 3.61M) editorializes that the bipartisan legislation authored by Sens. Lamar Alexander (R-TN) and Patty Murray (D-WA) is a “modest bill” that is a “no-brainer fix.” The piece observes that the bill is a “bipartisan remedy” to a “health-insurance crisis of the President’s own making – restoring subsidies that enable insurance companies to offer plans with affordable copays, and taking other steps to stabilize, not sabotage, Obamacare markets.” Despite being a “no-brainer,” the piece says that it has no “guarantee that it has any chance of passage in the Republican-controlled House.”

John Stoehr, in a U.S. News & World Report (10/17, 1.73M) column, calls for “constitutional conservatives” to recognize that President Trump’s announcement to end payments to health insurers that help cover out-of-pocket costs for low-income Americans “is actual tyranny.” The

piece discusses the Anti-Federalist papers during the founding era which “understood a nation is a social contract.” The column concludes that “self-described constitutional conservatives are not considering the fullness of the Constitution” and “are focusing on one vital aspect – which is that Congress has the power of the purse – while overlooking another vital aspect – which is the goal of protecting and defending against the state of nature.”

Abbe Gluck, professor at Yale Law School’s Solomon Center for Health Law and Policy, writes for Vox (10/17, 1.54M) that “Modern American history has never seen as full-scale an effort to sabotage a valid law as we have with President Trump and the Affordable Care Act.” The “intentional, multi-pronged sabotage of the ACA ... violates both Trump’s constitutional obligations and quite possibly the obligations of his Department of Health and Human Services.” Gluck adds that the Constitution requires the President to “take Care that the laws be faithfully executed,” and concludes, “The president has a right not to like the ACA. But so long as it is the law of the land, he does not have the right to undermine it through the use of executive power.”

Jay Bookman writes in the Atlanta Journal-Constitution (10/17, 1.16M) that when President Trump claims that “Obamacare is finished,” what he means is that he “is ensuring that the program helps as few Americans as possible, at as high a cost as possible to taxpayers, in hopes that by inflicting a lot of pain he can destroy the program’s growing popularity.” Bookman continues, “Trump has taken a hostage with no real idea of what ransom he wants in return” because after more than two years, Trump has “offered up nothing in the form of a plan or a bill” – aside from what congressional Republicans “vomited forth.” Bookman concludes that Trump’s “plan” is to cause as much chaos and pain to as many people as possible, and that he is “doing it because he can destroy, but he cannot build.”

Eric Leenson and Dan Geiger, Co-Directors of the Business Alliance for a Healthy California, write in the San Diego Union-Tribune (10/17, 668K) that “small businesses are among the most negatively impacted by our nation’s health care system’s runaway costs and corporate insurance system.” The column says that the Healthy California Act, SB 562, provides for Medicare-for-all and would especially benefit small businesses by “lowering overall health expenditures,” “freeing businesses from the burden and expense of managing and paying for employees’ health care,” and “the stress of administering” health insurance plans. The piece concludes by quoting a former Cigna vice president, Wendell Potter, who said, “When businesses understand the benefits of single payer and speak out, there will be no stopping the movement for universal health care.”

Daniel Hemel, assistant professor at the University of Chicago Law School, in an op-ed in the Washington Post, reprinted in the Harrisburg (PA) Patriot-News (10/17, 553K), calls for states to seize the “opportunity to restore order to their insurance markets” following President Trump’s announcement his Administration will not pay ACA subsidies. The states can make those subsidy payments themselves, encouraging “insurers to stay on the exchanges rather than rushing to the exits,” then sue the Department of Health and Human Services for reimbursement. The states are likely to win such a suit, as “the Supreme Court has interpreted similar statutory language to require the federal government to make payments even in the absence of a congressional appropriation.”

Ed Kilgore writes in the Daily Intelligencer (NY) (10/17, 519K) that “only legislation can bring back the payments that offset insurers’ obligation under the Affordable Care Act to ensure that low-income consumers can buy an individual health-insurance policy without ruinous out-of-pocket expenses.” While Sens. Lamar Alexander (R-TN) and Patty Murray’s (D-WA) proposals had long included continuing cost-sharing reduction payments, their “negotiations were made both more urgent and more politically complicated last week when the president abruptly announced that he was canceling the payment” of the CSR reimbursements. Kilgore adds that the “main problem with this I-broke-it-so-Congress-can-fix-it approach is timing” because rates for 2018 have already been set and the “damage may already be done.”

The Tulsa (OK) World (10/17, 320K) editorializes that President Trump’s “most controversial move” to “halt federal payments for cost-sharing reductions that help millions of lower-income Americans afford coverage” has caused “concern for the viability of the ‘Obamacare’ marketplaces.” The editorial adds that President Trump “owns the political consequences” of the decision. The World concludes that “if the cost of that insurance skyrockets and the availability disappears because of Trump’s actions, the president will have a hard time blaming the implosion of Obamacare on Obama.”

Opioid News:

REP. MARINO WITHDRAWS FROM CONSIDERATION FOR DRUG CZAR POSITION AFTER CRITICISM. NBC Nightly News (10/17, story 4, 0:20, Holt, 16.61M) reported, “President Trump says his nominee to be the next US drug czar is withdrawing from consideration for the job.”

The CBS Evening News (10/17, lead story, 1:40, Mason, 11.17M) reported that “Congressman Tom Marino [R-PA] withdrew under pressure today as President Trump’s nominee to be drug czar” following a television report revealing his “role in legislation that makes it easier for drug companies to distribute opioids in the midst of an epidemic that’s claiming thousands of lives.”

The New York Times (10/18, A19, Baker, Subscription Publication, 13.56M) reports, “The collapse of Mr. Marino’s nomination highlighted the Trump administration’s troubles formulating a response to a crisis that the president has called unlike any” other in the history of the US.

The Washington Post (10/17, Gearan, Bernstein, Higham, O’Keefe, 10.38M) reports Trump announced the withdrawal of Rep. Tom Marino’s nomination as the head of the Office of National Drug Control Policy. The article points out that the announcement follows a Washington Post/60 Minutes” investigation that found Marino had “helped steer legislation in Congress making it harder for the Drug Enforcement Administration to act against giant drug companies.” The Los Angeles Times (10/17, Lauter, 4.49M) reports Trump said that “we’re going to be looking into” Marino’s actions.

Reuters (10/17, Lynch, Brice) reports that “the legislation championed by Marino...was the product of a drug industry quest to weaken the US Drug Enforcement Administration’s authority to stem the flow of painkillers to the black market.” The article reports that “the law made it almost impossible for the DEA to freeze suspicious shipments of narcotics to prevent them from reaching the street.”

The Wall Street Journal (10/17, Nicholas, Subscription Publication, 6.45M) reports after the investigation’s findings were released, many members of Congress called for his nomination to be withdrawn and praised the President after he made the announcement. The AP (10/17, Superville, Daly) reports Sen. Claire McCaskill (D-MO) said that she will introduce legislation to repeal the law. The Philadelphia Inquirer (10/17, Whelan, 1.71M) reports Reps. Brian Fitzpatrick (R-PA) and Kyrsten Sinema (D-AZ) are leading an effort to repeal the bill in the House. Fitzpatrick said in a press release, “This legislation is about righting a wrong and upholding our commitment to keep our constituents safe.”

The Hill (10/17, Savransky, Rouben, 1.68M) points out that several agencies that “play a role in the federal response to the opioid epidemic” lack Senate-confirmed leaders, including the Department of Health and Human Services, the White House Office of National Drug Control Policy, and the DEA.

Also covering the story are Politico (10/17, Ehley, 3.6M), the Washington Examiner (10/17, Giaritelli, 465K), the ABC News (10/17, Stracqualursi, 2.83M) website, CNN (10/17, Vazquez, 33.59M), Bloomberg News (10/17, Olorunnipa, 4.52M), NPR (10/17, Chappell, 2.4M), The Atlantic (10/16, Berman, 1.64M), the New York Daily News (10/17, Silverstein, 3.61M), and the Allentown (PA) Morning Call (10/17, Olson, 312K).

Columnist: Withdrawal Of Marino Nomination Is Another Obstacle To Addressing The Opioid Crisis. Dan Janison writes in his column in Newsday (NY) (10/17, Janison, 1.64M) that the White House is facing “hurdles on the path to solutions” for the opioid crisis. Janison argues that the controversy surrounding Marino’s nomination to head the DEA is one of those obstacles for the Trump Administration.

Commentaries Address Opioid Crisis, Marino’s Withdrawal. A USA Today (10/17, 8.62M) editorial is critical of the President’s delay in addressing the opioid epidemic, saying he said “he would declare the emergency” over the summer, “but didn’t follow through.” USA Today says both Congress and the President need to do more, and in the wake of Rep. Tom Marino’s withdrawal Tuesday as Trump’s nominee to lead the ONDCP, the editorial urges Trump to nominate “a public health expert, not a politician.”

John M. Gray, president and CEO of the Healthcare Distribution Alliance, argues in USA Today (10/17, 8.62M) that the 2016 law which prompted Marino’s withdrawal, known as the Ensuring Patient Access and Effective Drug Enforcement Act, was “a bipartisan, commonsense step forward to improve enforcement efforts and combat the opioid epidemic.” He notes that it went into effect in April 2016, “well after the opioid epidemic took hold. Based on this timeline, the law

had no bearing on any enforcement slowdown that occurred in prior years, as alleged by the reporting.”

TRUMP SAYS HE'LL FORMALLY DECLARE NATIONAL EMERGENCY TO COMBAT OPIOID EPIDEMIC NEXT WEEK. [USA Today](#) (10/17, Korte, 8.62M) reports that after first promising “to declare a national emergency to confront the epidemic 68 days ago,” President Trump “now says he'll formally declare that emergency next week, a two-month delay that he said underscores the ‘time-consuming work’ behind his administration’s response to the crisis.” Neither the White House nor the President “would explain what’s holding up the proclamation, though Trump suggested that he’s wading through uncharted waters.”

DOJ TO CONSIDER REPEAL OF LAW BLOCKING DEA FROM HALTING OPIOID SHIPMENTS. [USA Today](#) (10/17, Johnson, 8.62M) reports the Justice Department is weighing whether to seek a repeal of the Ensuring Patient Access and Effective Drug Enforcement Act, legislation passed in 2016 “that ultimately undermined law enforcement’s ability to stop suspicious shipments of opioids that have been driving surges in overdose deaths across the country.” That review follows “a joint investigation by The Washington Post and 60 Minutes” which found “that the federal Drug Enforcement Administration was essentially handcuffed by the law pushed by Rep. Tom Marino,” President Trump’s nominee to oversee national drug policy who has withdrawn his name from consideration in the wake of the investigation. Also reporting on the calls for review and repeal of the law are the [Los Angeles Times](#) (10/17, Bennett, Bierman, 4.49M), the [Washington Times](#) (10/17, Noble, 541K), and [The Hill](#) (10/17, Rouben, 1.68M).

INVESTIGATION OF ALLEGED FENTANYL SHIPPING OPERATION LEADS TO MULTIPLE INDICTMENTS. The [Oregonian](#) (10/17, Bernstein, 878K) reports 38-year-old Jian Zhang has been “accused of shipping fentanyl from China into the United States, deliveries that resulted in multiple drug overdoses across the country, including four in Oregon in 2015.” Along with Zhang, 20 other “people from China, Canada and the United States have been indicted” in connection with an alleged drug trafficking scheme that has been dubbed “Operation Denial.” Members of the Portland High Intensity Drug Trafficking Interdiction Task Force have worked on the effort to bust the operation. The Oregonian mentions that DHS was involved in the investigation. The task force is not mentioned by [NBC Nightly News](#) (10/17, story 5, 1:40, Holt, 16.61M), the [St. Louis Post-Dispatch](#) (10/17, 831K), and the [NPR](#) (10/17, Lucas, 2.4M) website, which also highlight the indictment of Zhang and Xiaobing Yan, who are both Chinese nationals. NPR also mentions that HSI was involved in the investigation. NPR quotes Deputy Attorney General Rod Rosenstein as saying, “For the first time, we have indicted major Chinese fentanyl traffickers who have been using the Internet to sell fentanyl and fentanyl analogues to drug traffickers and individual customers in the United States.”

OPIOID CRISIS CAUSING INCREASE IN HEPATITIS C CASES. The [Washington Post](#) (10/17, Zezima, 10.38M) reports that “the rampant spread of hepatitis C” is another consequence of the national opioid crisis. The article reports that new cases of the disease “have nearly tripled nationwide in just a few years, driven largely by the use of needles among drug users in their 20s and 30s.”

HOSPITALS MOVE FORWARD ON OPIOID RESPONSE STRATEGIES DESPITE LACK OF FEDERAL FUNDING. Ahead of President Trump's expected announcement declaring the opioid epidemic a national emergency, Modern Healthcare (10/17, Johnson, Subscription Publication, 238K) reports on the need for federal funding to address the issue, and how hospitals and health systems "say they're moving forward on strategies they have developed to respond to the crisis" even without that funding. One example cited in the article is Linden Oaks Behavioral Health, "a mental health and substance abuse treatment provider affiliated with Edward-Elmhurst Health system in the Chicago suburbs." According to Modern Healthcare, "Linden Oaks has deployed continuing education for clinicians to improve their prescribing habits," and "has also altered its electronic medical record system to automatically prescribe naloxone when patients are over a certain high-dose threshold on their opioid prescriptions. Clinicians can also look up information from the state's prescription drug-monitoring program within the EHR itself rather than having to go to an outside system."

PHRMA CALLS FOR REPEAL OF LAW LIMITING DEA'S OPIOID-RESPONSE CAPABILITIES. The Hill (10/17, Delk, 1.68M) reports in its "Briefing Room" blog that the Pharmaceutical Research and Manufacturers of America (PhRMA) called Tuesday for the repeal of the Ensuring Patient Access and Effective Drug Enforcement Act of 2016, which "has come under renewed scrutiny after a new joint report from the Washington Post and '60 Minutes' that pointed to the law as undercutting the Drug Enforcement Administration's ability to crackdown on the flow of the drugs into the market." In addition, PhRMA "urged Congress to reconsider the penalties for DEA-registered drug distributors who fail to ensure the safety of opioid distribution by reporting suspicious purchases of the drugs."

HEALTHCARE PROVIDERS SEEK ALTERNATIVE PAIN TREATMENTS IN RESPONSE TO OPIOID EPIDEMIC. U.S. News & World Report (10/17, 1.73M) reports healthcare providers are responding to the nation's opioid epidemic, and the related rise in drug overdose deaths, by "aggressively turning to new approaches" for treating patients with chronic pain. "Emerging trends focus on improving physical and emotional health and counseling patients to realize their own role in relieving their pain, says Bhiken Naik, an anesthesiology and neurosurgery professor at the University of Virginia Health System," and the article notes that "Centers for Disease Control and Prevention guidelines published in 2016 recommend that physicians turn to cognitive behavioral therapy, exercise and patient education," along with alternative medications, before resorting to opioids. In line with that "growing focus on the possibility of a psychological component to pain that needs attention," the University of Virginia and the University of Pittsburgh Medical Center "are both expanding their Enhanced Recovery After Surgery programs to treat surgery pain using as little opioid medication as possible."

BEAVER COUNTY BECOMES THIRD IN PENNSYLVANIA TO SUE PHARMACEUTICAL COMPANIES OVER OPIOID CRISIS. The AP (10/17) reports that Beaver County has become the third Pennsylvania county "to sue pharmaceutical companies for allegedly contributing to an opioid addiction crisis that has resulted in thousands of overdoses nationally in recent years." The county's lawsuit "against 14 drug companies and several doctors the county claims have contributed to 279 overdose deaths there since 2012" was announced on Oct. 16 by attorney Bob Peirce, Jr.

Healthcare News:

UNITEDHEALTH POSTS HIGHER Q3 EARNINGS, BEATS ANALYSTS' EXPECTATIONS. The AP (10/17, Murphy) reports that on Tuesday, UnitedHealth Group posted a 26-percent increase in third-quarter earnings, beating Wall Street expectations. The largest insurer in the US "also raised its forecast for 2017 again, and signaled that it expects more growth next year." As a result, the company's shares "shot up past \$200 to reach another all-time high after markets opened." Data show UnitedHealth added almost "1 million more customers compared to last year's quarter, largely due to growth in its Medicare and retirement business."

The Wall Street Journal (10/17, Prang, Subscription Publication, 6.45M) reports that UnitedHealth said it earned \$2.6 billion, or \$2.66 per share for the third quarter, compared to \$2.1 billion a year ago. The company anticipates total earnings of about \$10 per share for this year. It raised its forecast from \$9.75 to \$9.90 per share from the previous quarter.

Reuters (10/17, Humer) reports that UnitedHealth expects earnings to grow by "13 to 16 percent in 2018 as medical costs remain low, even as it adjusts to new healthcare rules that U.S. President Donald Trump has promised to put in place." The article says UnitedHealth is considered "the bellwether for the industry," and its gains on Tuesday also benefited companies "such as Anthem Inc, Aetna Inc, and Cigna Corp." The piece adds that UnitedHealth has largely exited ACA exchanges, and CEO Dave Wichmann "said the company only had about 30,000 customers receiving subsidies in four states, and that any impact" from Trump's plans to end subsidy payments "would be 'extremely small.'"

The Minneapolis Star Tribune (10/17, Snowbeck, 1.27M) reports that UnitedHealth's shares rose by five percent during trading on Tuesday. The company intends to "continue to focus investments going forward on its fast-growing Optum division for health services, including pharmaceutical benefits management, non-hospital health care and technology," according to Wichmann.

Bloomberg News (10/16, Tracer, 4.52M) also covers the story.

COLUMNIST WARNS FEDERAL RETIREE HEALTH PREMIUMS COULD INCREASE MARKEDLY IF HOUSE BUDGET PROPOSAL BECOMES LAW. Columnist Joe Davidson writes in the Washington Post (10/17, 10.38M) "PowerPost" blog that along "with President Trump's earlier budget plan, which would slice and dice federal retirement, Capitol Hill and the White House have mounted a multi-front assault on federal worker compensation." He warns that if the Budget Resolution put forward by the House "becomes law, federal retiree health insurance premiums could rise significantly over time because growth in the government's subsidy would be limited to the increase in inflation."

WISCONSIN BILL WOULD PROHIBIT UNIVERSITY OF WISCONSIN EMPLOYEES FROM WORKING AT PLANNED PARENTHOOD. The [AP](#) (10/17) reports the Wisconsin state Senate's health committee is expected to hold a public hearing on a bill that would prohibit University of Wisconsin employees from "from performing abortions or providing training at facilities where abortions are performed, other than hospitals." The bill "targets an arrangement between Planned Parenthood and UW in which faculty members work part-time at the organization's Madison clinic."

ARKANSAS HEALTH CARE ASSOCIATION JOINS COALITION TO SUPPORT LIMITS ON PAYOUTS FOR LAWSUITS. The [Arkansas Democrat Gazette](#) (10/17, Moritz, 319K) reports multiple Arkansas business groups on Monday announced they will join a coalition to raise funding for and support a proposed state constitutional amendment to limit some kinds of payouts in lawsuits. State legislators "voted in the spring to have such rules put before voters as a proposed amendment to the Arkansas Constitution," and the proposal will be decided by constituents in the November 2018 general election. The coalition, Arkansans for Jobs and Justice, is supported by the Arkansas Health Care Association among other groups.

PENNSYLVANIA REGULATORS ISSUE MORE NURSING HOME CITATIONS BUT UNDERSTATE INCIDENTS' SEVERITY, EXPERTS SAY. The [Harrisburg \(PA\) Patriot-News](#) (10/17, Simmons-Ritchie, 553K) says that after investigative reports showed Pennsylvania regulators have neglected "to properly cite and penalize nursing homes for serious failures," the state Department of Health "appears to be taking a tougher line on nursing homes," with the department issuing twice as many immediate jeopardy citations against homes as those over the past three years combined. Advocates for elder care "confirmed that the department appeared to have gotten tougher on bad homes," but some "said... the department was either still understating the severity of nursing home incidents or their inspectors were failing to uncover incidents to begin with."

Emergency Response and Pandemic Preparedness:

VULNERABLE ELDERLY INCREASINGLY BECOMING VICTIMS OF EMERGENCIES, DISASTERS. [CNN](#) (10/17, Nedelman, 33.59M) reports California wildfires and Florida, Texas, and Puerto Rico hurricanes "have put a spotlight on vulnerable seniors – including a number of deaths that authorities have said were preventable." The article discusses the impact of each event on older adults in the affected communities, noting many experts "continue to grapple with how best to protect the elderly, who face difficulties evacuating from disasters, more health issues on average and perhaps even a greater share of the psychological impact." Concerning the deaths of 14 residents of the Florida nursing home at The Rehabilitation Center at Hollywood Hills, the article says the Florida Health Care Association "instructed each facility to prepare seven to 10 days of medication, oxygen and other medical necessities for each resident, according to spokesperson Kristen Knapp."

Nutrition & Obesity:

GOOGLE MAPS PULLS EXPERIMENTAL “CALORIE COUNTING” FEATURE FROM APP AFTER CRITICISM.

The New York Times (10/17, Victor, Subscription Publication, 13.56M) reports Google Maps pulled an experimental “calorie-counting” feature, which showed how many calories someone could burn by walking to a certain destination. Some criticized the feature as being insulting for suggesting that people needed exercise, while others said the feature was dangerous for people with eating disorders.

Medicare:

EXPANDED MEDICARE ENROLLMENT OPTIONS GIVE SENIORS MORE TO SORT OUT.

The Palm Beach (FL) Post (10/17, Elmore, 273K) reports, “Hundreds of Palm Beach County residents are calling advisors daily for help to sort out expanded options” for Medicare. “We definitely have more interest this year than last year,” said Desirae Mearns, lead project director for Serving Health Insurance Needs of Elders (SHINE), adding that seniors in Palm Beach County have 46 plan options in 2018 compared to 43 last year.

OPINION: CMS PROPOSAL TO EXEMPT RURAL PHYSICIANS FROM MIPS WILL DO MORE HARM THAN GOOD.

Caravan Health CEO Lynn Barr writes in an op-ed for The Hill (10/17, 1.68M) that the Centers for Medicare and Medicaid Services’ “proposed rule to exempt two-thirds of the nation’s clinicians from the Medicare Incentive Payment System (MIPS) will do more harm than good” and furthermore would “disable the infrastructure of electronic health records (EHRs) that has been subsidized with \$37 billion taxpayer dollars.” Rural clinicians are exempt from quality reporting and “have provided lower quality care,” Barr writes, adding that CMS’ proposal to exclude reporting for pneumococcal and influenza vaccines – two particularly “important quality measures” – is shortsighted. “Our data clearly shows that more vaccines means fewer patients going to the hospital and fewer pneumonia-related deaths,” particularly for seniors.

Medicaid & CHIP:

“BICKERING” OVER CHIP, COMMUNITY HEALTH CENTERS REPORTEDLY HARMING NATION’S HEALTHCARE.

Paige Winfield Cunningham writes in the Washington Post (10/17, 10.38M) “The Health 202” about the ongoing discussions between Democrats and Republicans over how to pay “for states to keep running the Children’s Health Insurance Program and for community health centers to care for low-income people,” and for how long to extend the funding. Cunningham is critical of lawmakers for their “bickering,” arguing that “if Congress were serious about funding the two programs without causing crippling uncertainty for states and providers, it could have tackled the issue months ago.” She also criticizes President Trump for “signing an executive order that many health-care experts warned could destabilize the marketplace even further by allowing individuals and small-business employees to buy narrower coverage through trade associations.”

ARKANSAS GOVERNOR SAYS INSURANCE RATE HIKE WILL NOT THREATEN STATE MEDICAID EXPANSION. The [AP](#) (10/17, DeMillo) reports Arkansas Gov. Asa Hutchinson (R) said Tuesday that the 14.2 percent to 25 percent insurance rate hike approved by state regulators after President Trump ended cost-sharing reduction payments will not imperil the state's hybrid Medicaid expansion. "Under Arkansas' hybrid expansion program, Medicaid funds are used to purchase private plans for low-income residents through the insurance marketplace," the AP explains. State Democrats, however, "accused Hutchinson of glossing over the effect Trump's action will have."

MICHIGAN DEMOCRATS SAY PROPOSED MEDICAID CUTS "DEVASTATING" FOR VULNERABLE PEOPLE. [MLive \(MI\)](#) (10/17, Slagter, 947K) reports on a panel of Democratic state and local officials that convened to discuss "the best way to push back against the president's proposed \$700 billion cut to Medicaid funding in 2018." The group said the proposed Medicaid cuts would be "devastating" to senior citizens and people with disabilities and that opponents should emphasize the personal impact of the reductions.

Health & Medical News:

PHARMACEUTICAL COMPANIES DENY RESPONSIBILITY FOR DRUG PRICING AT SENATE HEARING. [Bloomberg News](#) (10/17, Edney, 4.52M) reports leading drug industry lobbyists at a Senate Health, Education, Labor, and Pensions hearing alleged pharmacy benefit managers (PBMs), hospitals, and other groups are to blame for prescription medication prices. Groups testifying, including the Pharmaceutical Research and Manufacturers of America (PhRMA), continued to "say that the measures used to assess them are incorrect, and that they only get a portion of the profit their critics say they do." PBMs at the meeting, however, "pointed the finger back at pharmaceutical companies, and said the cut they take as middlemen has no connection to how drugmakers set prices."

The [Washington Examiner](#) (10/17, King, 465K) reports the Pharmaceutical Care Management Association, which represents PBMs, refuted PhRMA's claims that PBMs and insurers focus "on list prices, which are not reflective of actual spending trends." The article notes Congress has passed bills intended to speed up generic approval at the FDA, and that Sen. Al Franken (D-MN) at the hearing questioned why drug prices are so high and "pointed out that taxpayers pay for research at the National Institutes of Health, and U.S. customers pay higher prices for the finished product."

SENATOR QUESTIONS PHARMACEUTICAL INDUSTRY ABOUT DOING AWAY WITH REBATES. [STAT](#) (10/17, Swetlitz, 43K) reports that Sen. Lamar Alexander (R-TN) "asked a panel of pharmaceutical industry representatives at a Senate committee hearing" about whether drugmakers and pharmacy benefit managers would be willing to do away with rebates. "Why don't we just get rid of rebates and let you negotiate directly with manufactures, take that \$100 billion a year, and just reduce the list price? Wouldn't it be simpler for us to understand where the money goes?" Alexander asked Mark Merritt, president and chief executive officer of the Pharmaceutical Care Management Association. Industry representatives said they would be

willing to consider the proposal, although they expressed doubt about the feasibility of enacting such a reform.

FAMILIES OF DECEASED TROOPS ALLEGE PHARMACEUTICAL COMPANIES

“KNOWINGLY FINANCED” ANTI-AMERICAN MILITIA IN IRAQ. USA Today (10/17, Madhani, 8.62M) reports a group of families of “dozens of U.S. troops killed or injured” during the Iraq war filed a federal lawsuit on Tuesday “against several U.S. and European pharmaceutical and medical supply companies, alleging that the corporations knowingly financed the anti-American militia Mahdi Army through bribes and kickbacks to officials at a government ministry controlled by the group.” The lawsuit names “some of the biggest names in the industry – including GE Healthcare, Johnson & Johnson, Pfizer, AstraZeneca and Roche,” and alleges they often paid kickbacks to officials in the Iraqi Ministry of Health, who “in turn used the proceeds to help fund the militia that carried out attacks against U.S. troops in Iraq.”

MASSACHUSETTS SENATE CONSIDERS BILL TO REQUIRE DATA SUBMISSIONS FROM DRUG COMPANIES.

The Boston Globe (10/17, McCluskey, 969K) reports Massachusetts Senate legislators on Tuesday revealed “sweeping health care legislation” addressing issues such as prescription treatment costs and hospital prices, which “proponents say will improve the state’s health care system and curb medical spending.” The new bill would mandate that “drug companies for the first time to submit data to the state Health Policy Commission and be scrutinized by the watchdog agency,” and “sets a target for controlling commercial spending on hospital care by slowing the rate of price growth at the most expensive hospitals.”

APPEALS COURT VACATES VERDICT IN TALCUM POWDER CANCER CASE. Bloomberg News (10/17, Fisk, 4.52M) reports a Missouri appeals court has vacated the \$72 million verdict in Fox v. Johnson & Johnson, ruling the case shouldn’t have been tried in St. Louis. “The verdict to the family of Jacqueline Fox, who died in 2015, was the first of a series of jury awards in the St. Louis court,” where juries “have awarded a total of \$300 million in verdicts” related to claims that Johnson & Johnson’s talc products cause ovarian cancer. According to the AP (10/17, Stafford), “the appeals court cited a Supreme Court ruling in June that placed limits on where injury lawsuits could be filed, saying state courts cannot hear claims against companies not based in the state where alleged injuries occurred.” In response, “Jim Onder, who is representing many plaintiffs in the lawsuits, has argued that Missouri is a proper jurisdiction because Johnson & Johnson packages and labels some products in Missouri.” Also reporting are Reuters (10/17, Raymond), the St. Louis Post-Dispatch (10/17, Currier, 831K), and Fierce Pharma (10/17, Sagonowsky).

GENE TUMOR BOARDS INCREASINGLY PROVIDING GUIDANCE ON CANCER CARE. The AP (10/18, Marchione) reports that patients with cancer are increasingly “having their care guided by gene tumor boards,” panels of experts that study “the patient’s cancer genes and match treatments to mutations that seem to drive the disease.” The gene tumor boards aim for “precision medicine, the right drug for the right person at the right time, guided by genes.” The AP adds that “Some doctors worry that tumor boards’ recommending off-label treatments diverts patients from research that would benefit all cancer patients,” and mentions that the “American Society of Clinical Oncology’s TAPUR study tests off-label drugs and shares results with their makers and federal regulators.”

MOUSE STUDY FINDS LINK BETWEEN STRESS AND DIGESTION IN FEMALE MICE. The [New York Post](#) (10/17, Steussy, 4.31M) reports new research published in Nature's Scientific Reports suggests stress may have the same effect on human digestion as a fattening diet. Researchers at Brigham Young University conducted the mouse study, which looked at the mice's gut microbiota; they found that the gut microbiome of female mice subjected to stress tests "actually changed to resemble that of an obese mouse," which "suggests that stress might impact metabolism just as much as diet, the researchers wrote." Male rats, however, "didn't have the same microbiome shift, but they did become more anxious and less physically active."

NEW HAMPSHIRE GOV. REMOVES MEMBER FROM CANCER CLUSTER PANEL. The [AP](#) (10/17) reports New Hampshire Gov. Chris Sununu said Tuesday he's removed Steve Kenda, a past Republican candidate for state Senate and governor, from the Seacoast Cancer Cluster Commission over an op-ed piece written by Kenda denying the existence of a cancer cluster. According to the AP, Sununu "said Kenda's participation has become too much of a distraction" from the purpose of the 21-member commission, which has for several years "been investigating a greater-than-expected number of cases of two types of rare childhood cancers in the seacoast region: rhabdomyosarcoma and pleuropulmonary blastoma."

SCIENTIFIC AMERICAN EDITORS VOICE SUPPORT FOR COSMETICS SAFETY BILL. In an article for the November 2017 issue, the editors of [Scientific American](#) (10/17, 878K) express support for the Personal Care Products Safety Act, which Sens. Dianne Feinstein and Susan Collins reintroduced in Congress last May. "The bill would require, among other things, that all cosmetics makers pay annual fees to the agency to help finance new safety studies and enforcement – totaling approximately \$20 million a year," which the FDA would use to "assess the safety of at least five cosmetics chemicals a year." The legislation "also gives the agency the authority to pull products off the shelves immediately when customers have reported bad reactions, without waiting for a review that can take multiple years." The editors highlight the importance of the bill, and the issues it addresses, in light of a petition filed earlier this year that called on the FDA to ban lead acetate from hair dyes.

TRANSENTERIX CEO SAYS SENHANCE WON'T COMPETE DIRECTLY WITH INTUITIVE SURGICAL'S DA VINCI. [Reuters](#) (10/17, Banerjee) reports Transenterix CEO Todd Pope on Tuesday "played down...the threat posed by his company's surgical robotic system," called Senhance, "to market leader Intuitive Surgical Inc, saying he did not expect the two to compete head on." Transenterix's share price surged – and Intuitive Surgical's fell – at the end of last week after the US Food and Drug Administration cleared Senhance for use, but "Pope said Senhance had a lot of ground to cover before it might have to compete directly with Intuitive's Da Vinci device, which has dominated robotic surgery purchasing since it was approved in 2000."

JOHNSON & JOHNSON'S ANIMAS CLOSURE, CESSATION OF INSULIN PRODUCTION ARE REFLECTIVE OF BROADER HEALTHCARE ISSUES. The [Los Angeles Times](#) (10/17, Lazarus, 4.49M) discusses the recent announcement from Johnson & Johnson saying the company is closing its Animas subsidiary and ceasing its production of insulin pumps, which creates new challenges from J&J customers that the Times says "mirror problems all too common in the healthcare industry – the turmoil that can arise when a medical-device or drugmaker halts sales, or when an insurer decides to no longer cover a specific pill, gadget or treatment." The article examines how such problems can affect healthcare customers and offers insight on how to

proceed.

DC COUNCIL DISAPPROVES OF EXTENDING CONTRACT TO MANAGE CITY'S ONLY PUBLIC HOSPITAL. The Washington Post (10/17, Itkowitz, 10.38M) reports six members of the Washington, DC council "expressed disapproval" of the request by Veritas of Washington LLC to renew its \$4.2 million consulting contract to manage the United Medical Center, which is "the city's only public hospital." The firm was hired last year "to stabilize the only full-service hospital east of the Anacostia River," but has shown "little progress in improving the hospital's finances or quality of care." The Post adds the company is "led by campaign donors to D.C. Mayor Muriel E. Bowser (D)." Because of the disapproval, the council will have 45 days instead of 10 to review the contract.

PEOPLE WITH ADVERSE CHILDHOOD EVENTS FOUND MORE LIKELY TO SUFFER HEALTH PROBLEMS AS ADULTS. The Denver Post (10/17, Baumann, 817K) reports on a study from the Colorado Department of Human Services and the University of Denver finding that "children who grow up in a dysfunctional or abusive home are more likely to develop depression and cancer as adults, and they're more likely to one day have children with health issues as well." The study was based on a survey of 3,677 Colorado residents 18 and over, and "measured adverse childhood experiences, which are events that range from physical, sexual or emotional abuse and different types of household dysfunctions such as family member incarceration." Overall, those who reported one such incident "were twice as likely to be diagnosed with depression, and those with four or more incidents were nearly twice as likely to suffer from cancer and almost six times more likely to experience depression." Their children also "were two to five times as likely to be diagnosed with Attention Deficit Disorder."

SECOND TB CASE REPORTED IN DURHAM COUNTY, NORTH CAROLINA. The Durham (NC) Herald Sun (10/17, Johnson, 66K) reports on a second tuberculosis case in Durham County, North Carolina, explaining that "a student at Northern High School is being treated," as is a student at UNC Chapel Hill. Both "are being treated at home and will remain off campus until the threat of spreading the disease is over." The county health department will conduct "TB blood tests on people who were exposed at Northern." The Herald Sun adds, "Durham County reported 11 cases of active tuberculosis in 2016."

VA FACILITY IN OMAHA MAINTAINED SECRET WAITING LIST OF VETERANS SEEKING MENTAL HEALTH APPOINTMENTS. The AP (10/17) reports the Department of Veterans Affairs' Nebraska-Western Iowa Health Care System "maintained an unauthorized, secret waiting list of veterans for some Omaha mental health appointments, according to US Department of Veterans Affairs documents." The article points out that "the VA set up strict requirements for establishing waiting lists following a 2014 scandal that showed VA employees were covering up chronic delays with false paperwork and secret lists," and that the facility in Omaha was not on a list of 40 facilities that reportedly still had secret lists in 2016. VA officials declined to comment on how many employees were involved in maintaining the list or how many veterans were affected.

HEPATITIS A DEATHS NOW UP TO 19 IN SAN DIEGO COUNTY. The San Diego Union-Tribune (10/17, Sisson, 668K) reports there have now been 19 deaths and 507 confirmed cases in the ongoing hepatitis A outbreak in San Diego County, CA. Dr. Wilma Wooten, the county's

public health officer, said that the county is also investigating another 47 potential cases.

RESEARCHERS TRYING TO IDENTIFY EARLY SIGNS OF BRAIN DAMAGE IN

PROFESSIONAL FIGHTERS. STAT (10/17, Robbins, 43K) reports researchers have found that “active fighters,” boxers and mixed martial arts fighters, have “higher levels of two brain proteins, called neurofilament light and tau, compared to retired fighters or non-fighters,” and that “fighters with greater exposure to repetitive head trauma have lower brain volumes.” The findings are part of an ongoing study, and “researchers have enrolled close to 700 mixed martial arts fighters and boxers, both active and retired, in the past six years.” The investigators are seeking “to identify early signs of trauma-induced brain damage from subtle changes in blood chemistry, brain imaging, and performance tests,” which “may show up decades before visible symptoms such as cognitive impairment, depression, and impulsive behavior.”

US DISTRICT JUDGE ORDERS FLINT TO PICK A LONG-TERM WATER SOURCE.

The Detroit Free Press (10/17, Matheny, 1.07M) reports US District Judge David M. Lawson issued a summary judgment ordering Flint to select a long-term water source. The ruling “comes after Flint’s City Council has balked for months at entering into a long-term deal for water supplies from the city of Detroit via the regional Great Lakes Water Authority.”

RESEARCHERS IDENTIFY FOUR GENES IN HUMANS, DOGS, AND MICE THAT MAY BE

LINKED TO OCD. The NPR (10/17, Chen, 2.4M) “Shots” blog reports that researchers identified “four genes with the strongest links to OCD to date.” The researchers compared the DNA of dogs and mice with compulsive tendencies to the DNA of people with and without OCD. The findings were published online Oct. 17 in Nature Communications.

Newsweek (10/17, Firger, 991K) reports that the study “may help scientists develop more precise and effective treatments for the psychiatric condition.”

EXCESSIVE EXERCISE MAY BE LINKED TO HIGHER RISK OF BUILDUP OF PLAQUE IN HEART ARTERIES BY MIDDLE AGE IN CAUCASIAN MEN, STUDY SUGGESTS.

The New York Daily News (10/17, Scotti, 3.61M) reports that research suggests “Caucasian men who exercise three times above the US national guidelines for working out (150 minutes per week) are 86% more likely than black men, and those who exercise less, to develop a buildup of plaque in their hearts by the time they’re middle aged.”

The New York Post (10/17, 4.31M) runs a SWNS article reporting that investigators “compared 25-year exercise patterns and made the surprising discovery that very active white men are 86 percent more likely to experience a buildup of plaque in the heart arteries by middle age.” However, “this didn’t apply to black men, they discovered.” The findings were published in Mayo Clinic Proceedings.

NAFLD, NONALCOHOLIC STEATOHEPATITIS THE FASTEST-GROWING REASONS FOR LIVER TRANSPLANTS IN YOUNG AMERICANS, RESEARCH INDICATES. Reuters (10/17, Crist) reports that research indicates “nonalcoholic fatty liver disease [NAFLD] and its more aggressive form, nonalcoholic steatohepatitis, have become the fastest-growing reasons for liver transplants in young Americans.” Investigators found that “the number of liver transplants performed for NASH increased from 0.53% in 2002 to 4.46% in 2012, a nine-fold jump.” Reuters adds that “due to increasing childhood obesity, hypertension and diabetes...more young adults are reaching end-stage liver disease early in life, researchers say.” The findings were published online in Journal of Clinical Gastroenterology.

IMPAX LABORATORIES INKS DEAL TO MERGE WITH AMNEAL PHARMACEUTICALS. The Wall Street Journal (10/17, Rockoff, Cimilluca, Subscription Publication, 6.45M) reports Impax Laboratories and Amneal Pharmaceuticals recently agreed to merge in a deal that would establish the US’ fifth-largest generic medication producing company in terms of revenue. They said on Tuesday that the all-stock transaction would grant Impax shareholders 25 percent of a new company, while owners of Amneal would take the remainder. The new group will be called Amneal Pharmaceuticals and is expected to be worth as much as \$6.4 billion.

Reuters (10/17) reports Cantor Fitzgerald analysts wrote in a client note on the deal that the merger increases chances for Impax to grow from a mid-size drug maker to a leading generics and specialty medication company. The article says the combined company will produce “a diverse pipeline with more than 300 products either filed with the FDA or in active stages of development, Cantor analysts said.”

The San Francisco Business Times (10/17, Leuty, Subscription Publication, 904K) reports Impax ran “into a string of issues in recent years” while attempting to diversify beyond generic treatments, with FDA inspections exposing “problems a couple years ago” at a California facility.

The Philadelphia Inquirer (10/17, Loyd, 1.71M) and Fierce Pharma (10/17, Helfand) also report.

COLUMN: ALLERGAN RESTASIS CASE EXEMPLIFIES HOW COMPANIES MANIPULATE PATENT SYSTEM. Bloomberg View (10/17, 4.52M) columnist Joe Nocera offers commentary on Allergan’s attempts to transfer its Restasis patents to the Saint Regis Mohawk Tribe --“a now-infamous patent ploy” – positing that the legal maneuvering represents “trickery” undertaken by many companies in the industry “to keep generics off the market.” According to Nocera, the “primary way” branded drug makers prevent generic competition “is by abusing the patent system.” He adds that a federal judge who ruled the Allergan patents are invalid simply “called Allergan out on” its “scam.” Nocera mentions Allergan issued a number of “citizen’s petitions” to the FDA and sued compounding company Imprimis on allegations that it violated FDA regulations.

TROY UNIVERSITY RESEARCHERS DEVELOPING ANTI-DEPRESSANTS THROUGH ZEBRAFISH STUDIES. The New York Daily News (10/17, Scotti, 3.61M) reports researchers at Troy University in Alabama are using zebrafish to develop anti-depressant treatments for humans

because fish reportedly are “a reliable animal to use in identifying depression.” According to one university researcher, the “neurochemistry (between fish and people) is so similar that it’s scary.” The National Institute of Mental Health estimates that nearly “16 million people had at least one major depressive episode in 2012.”

DISTRICT JUDGE INVALIDATES ALLERGAN’S RESTASIS PATENTS. Reuters (10/17, Wolfe) reports US district judge William Bryson on Monday ruled against Allergan’s patents for its dry-eye treatment Restasis, which the company transferred to New York state’s Saint Regis Mohawk Tribe last month on claims that the tribe’s status as a sovereign nation would prevent the patents from being reviewed by the US patent office. Bryson invalidated the patents for the \$1.5 billion treatment, calling it an attempt by Allergan to “rent” the tribe’s sovereign immunity. Allergan, however, said the move was justified because the same patents were already under review in federal court, while critics “said it was a cynical attempt to prolong the company’s monopoly on Restasis.”

DISTRICT JUDGE REFUSES PHARMACEUTICAL COMPANIES’ REQUEST TO BLOCK NEVADA DRUG PRICING LAW. The Las Vegas Review-Journal (10/17, Bekker, 458K) reports that on Tuesday, US District Judge James Mahan refused a request by the Pharmaceutical Research and Manufacturers of America and the Biotechnology Innovation Organization “to immediately block a Nevada law requiring them to detail diabetes drug prices and disclose manufacturing costs and research investments come July.” Mahan said he did not find “immediate and irreparable harm” in the case because of the law’s timeline. The companies allege in the lawsuit that the law violates federal patent and industry trade secret rules.

EXPERTS CONSIDER WHETHER IGNYTA PHARMACEUTICALS’ CANCER TREATMENT CAN BE COMPARED TO PFIZER’S. Forbes (10/17, 5.11M) contributor Matthew Herper considers Ignyta Pharmaceuticals’ cancer treatment entrectinib that shrank one patient’s tumors and “has kept them in check for more than a year,” and, according to research presented at the World Conference on Lung Cancer, “shrank tumors in 79% of patients and kept working for a median 28.6 months, about 10 months longer than the current drug, Pfizer’s Xalkori, did in separate clinical trials.” Herper writes that nonetheless, the study “raises questions about whether it’s possible to compare similar cancer medicines, and whether it’s possible to keep innovating after a few gene-targeted drugs have been invented.”

STUDY REVEALS ASSOCIATION BETWEEN DEPRESSION, SAGGING TESTOSTERONE LEVELS IN NEW FATHERS. In “Well,” the New York Times (10/17, Quenqua, Subscription Publication, 13.56M) reports research indicates that postpartum depression “may occur in from 7 percent to 10 percent of new fathers, compared to about 12 percent of new mothers, and that depressed dads were more likely to spank their children and less likely to read to them.” Now, research published in the September issue of the journal *Hormones and Behavior* “has found a link between depression and sagging testosterone levels in new dads, adding physiological weight to the argument that postpartum depression isn’t just for women anymore.” In addition, the study revealed that “while high testosterone levels in new dads helped protect against depression in fathers, it correlated with an increased risk of depression in new moms.” The study abstract points out some 149 couples took part in the study.

MEN WHO RECEIVE BLOOD DONATED BY PREVIOUSLY PREGNANT WOMEN MAY FACE INCREASED RISK OF DEATH FOLLOWING THE TRANSFUSION, STUDY INDICATES. STAT (10/17, Begley, 43K) reports, "Men who received a blood transfusion from a woman who had ever been pregnant had a higher risk of dying prematurely than men who got blood from a man or a never-pregnant woman," researchers reported.

HealthDay (10/17, Thompson, 11K) reports researchers arrived at that conclusion after examining data on some 31,000 patients in Holland who "received 59,320 transfusions in all from one of three types of donors – men, never-pregnant women and women who'd been pregnant." Notably, "after receiving a single transfusion, the three-year death rate among men was 13.5 percent for those who received male blood, 13.1 percent for those who got never-pregnant female blood, and nearly 17 percent for those who received blood from a previously pregnant female." The findings were published in the Journal of the American Medical Association.

Reuters (10/17, Rapaport) and Scientific American (10/17, Weintraub, 878K) also cover the story.

PHYSICIAN WARNS OF DANGERS OF ONLINE COMPANIES SELLING DESIGNER SUBSTANCES. In STAT (10/17, 43K) "First Opinion," Abraham Nussbaum, MD, chief education officer at Denver Health, an associate professor of psychiatry at the University of Colorado School of Medicine, writes about the dangers of online companies "selling compounds that have never been approved for human use but that are so similar to existing drugs they attract users...seeking an alternative to" physicians and dealers. Ostensibly these "designer" substances are sold for the purposes of "research." Dr. Nussbaum believes such companies "sideline the doctor, the pharmaceutical industry, and its regulators from the patient-physician relationship" and pose a danger to people buying substances from them.

OVERSIZED EYEDROPS WASTE PATIENT'S MONEY AND MEDICINE BY DESIGN. NPR (10/18, Allen, 2.4M) reports on its "Shots" page that ProPublica has found that pharmaceutical companies make eyedrops that overflow your eyes by design. The article says that for at least twenty-five years, those in the "eye care industry," including doctors, pharmaceutical officials, and researchers, have known "that eyedrops are much larger than the eye can hold." The article tells the story of a project in the early 1990s as Alcon where the team created a "microdrop" that would reduce waste but still maintain effectiveness. The product was "killed" because of the cost of getting FDA approval and the risk that it would lead to decreased sales. NPR also reports of similar research on the efficacy of smaller eyedrops that was funded by Allergan, yet Allergan does not make eyedrops in smaller sizes to date.

MORE HOSPITALS INVESTING IN HOUSING AND SUPPORT FOR HOMELESS TO REDUCE ER VISITS. Kaiser Health News (10/18, Bartolone) reports on a "growing number of hospitals nationwide" that have "invested in housing programs in recent years, from Florida to Chicago and farther west," with the goal of ending the cycle of emergency room use by homeless people by providing them housing along with a case worker. Rand Corp. researcher Sarah Hunter says, "There's pretty good evidence that it's more cost-effective to provide housing with supports than have these people live on the streets and just cycle in and out of emergency rooms and in-patient stays." The piece reports that the nonprofit hospitals' investment in these programs helps them

“meet their community service obligations in exchange for tax breaks.”

Global Health:

CHINA CONFIRMS H5N6 BIRD FLU OUTBREAK IN CENTRAL PROVINCE. [Reuters](#) (10/17, Gu, Mason) reports China’s Ministry of Agriculture confirmed that there is “an outbreak of bird flu at broiler chicken farms in” the city of Hexian in Anhui province. The outbreak in the central province has been caused by the H5N6 strain.

OP-ED: CANADA MUST PUSH FOR NATIONAL REGISTRY OF PAYMENTS FROM COMPANIES TO PHYSICIANS. Nav Persaud of Toronto’s St. Michael’s Hospital and the University of Toronto, Joel Lexchin of Toronto’s University Health Network, and Andrew S. Boozary of the University of Toronto and the Harvard Public Health Review write in an op-ed in [STAT](#) (10/17, 43K) that Canadian province Ontario “took a historic step” by introducing legislation to increase transparency on how drug companies interact with prescribers in an effort to understand how physicians receive payments from manufacturers. The authors advocate for this on a national scale and suggest the establishment of a registry of payments similar to that which is in place in the US.

National News:

HOUSE PANEL SETS PUERTO RICO RECOVERY HEARING FOR NEXT WEEK. [Reuters](#) (10/17, Cowan) reports that a House panel said Tuesday that it has scheduled an Oct. 24 hearing “to examine Puerto Rico’s hurricane recovery efforts and the role of a financial oversight board in those efforts.” The House Committee on Natural Resources, which last year worked on legislation creating the board to help Puerto Rico manage its debt, will hold the hearing.

PUERTO RICAN DELEGATE: TRUMP HAS GIVEN EVERYTHING WE’VE ASKED FOR. [Townhall](#) (10/17, Vespa, 523K) reports Puerto Rico’s delegate, Jenniffer Gonzalez-Colon, said in a recent [interview](#) with USA Today “that everything they’ve asked for, Trump has delivered.” Gonzalez-Colon told USA Today, “I will tell you that everything that the president said that he was going to send to the island, it’s getting there. The resources are there. The help is there.”

DESPERATE PUERTO RICANS TURNING TO WELLS AT SUPERFUND SITE FOR WATER. [NBC Nightly News](#) (10/17, story 11, 1:40, Holt, 16.61M) reported on the “deepening and dangerous water crisis” in Puerto Rico in the aftermath of Hurricane Maria. The EPA says “the desperate are breaking into water wells” at a Superfund site in Dorado “that may actually be contaminated.” NBC’s Gabe Gutierrez reported from the town that “even though there’s a clearly marked danger sign, people were willing to risk it.” He noted that “only 17 percent of the island has power, making it hard to pump and treat water as this crisis deepens.”

DISCUSSING OBAMA AND SLAIN SOLDIERS, TRUMP CITES DEATH OF KELLY'S SON.

President Trump's Tuesday remarks – in which he invoked the death of Chief of Staff Kelly's son while defending his claim one day earlier that former President Barack Obama and other presidents didn't always call the families of slain military members – received widespread media coverage, including reports on all three major network newscasts. Coverage was largely negative, highlighting that Kelly has been reluctant to publicly speak about his son's death.

In the lead story for NBC Nightly News (10/17, lead story, 2:25, Holt, 16.61M), Peter Alexander reported that “as the body of one of the American soldiers killed in Niger this month returns home to Florida and the White House confirms President Trump spoke to all four families of the fallen, the President's taking another swing at Barack Obama on the gravest of presidential obligations.” NBC played an audio clip of Trump saying in a Tuesday interview with Fox News Radio, “I think I've called every family of somebody that's died, and it's the hardest call to make. ... As far as other representatives, I don't know. You could ask General Kelly, did he get a call from Obama?” Alexander added, “The President invoking the memory of his chief of staff's son, Robert Kelly, a Marine killed in 2010.”

On the CBS Evening News (10/17, story 5, 2:40, Mason, 11.17M), Margaret Brennan reported, “White House officials claim to be unaware of whether Mr. Trump had spoken to Kelly before making the remark. The retired Marine Corps general has actively avoided calling attention to his son's death, making it clear he does not want it to be exploited.” Brennan added, “Today, despite the President's prodding, Kelly declined to comment. But a White House official, who requested anonymity, told CBS News, ‘I can tell you Obama did not call General Kelly after the death of his son.’ But White House records show that Kelly and his wife did attend a closed-door breakfast with Mr. And Mrs. Obama to honor Gold Star families a year after their son's passing.”

On ABC World News Tonight (10/17, story 3, 3:10, 14.63M), David Muir reported that “Kelly has indicated to the past in reporters that he did not want to talk publicly about the death of his son.” ABC's Cecilia Vega added that “Kelly has repeatedly made it clear to reporters he does not want to talk about his son's death. And he would not go on the record today. But the White House tells us he never got a call from...Obama. Obama aides do not dispute that. But they do say Kelly did attend a White House breakfast for Gold Star families, where he sat at the first lady's table.”

The Washington Post (10/17, Parker, 10.38M) reports, “For the past seven years...Kelly has gone out of his way to keep the death of his son free from politics.” However, Trump on Tuesday “thrust [Kelly's] son into the public and political glare, invoking the younger Kelly as part of a continuing attack on...Obama.” The President's “remark...was unplanned, said two White House officials, who said they were caught off-guard by Trump's comments. One said Kelly may have mentioned some details surrounding his son's death to the president in private — and the president then repeated them in public, a relatively frequent occurrence with Trump.”

Similarly, under the headline “Top General's Grief Becomes Political Talking Point For Trump,” the New York Times (10/17, Landler, Subscription Publication, 13.56M) reports that Trump “is testing” Kelly's “long-held reluctance to discuss his loss. Mr. Trump, in defending his handling of

the deaths of four Green Berets in Niger, falsely claimed on Monday that...Obama did not contact the families of fallen troops. And on Tuesday, Mr. Trump brought to light that Mr. Obama never called Mr. Kelly after the death of his son." The Times adds that Kelly "has not addressed the dispute. But colleagues who worked with him at the Pentagon during that period said they did not recall him expressing unhappiness with the way Mr. Obama handled the death of his son. "

Writing for McClatchy (10/17, 67K), Kate Irby says that "Kelly had to endure every parent's worst nightmare when his son...stepped on a land mine in Afghanistan in 2010 and died. Now...Trump is calling into question whether...Obama ever called Kelly after that happened – dragging Kelly into a spat Trump started between the two presidents over whether Obama called the families of fallen soldiers."

The AP (10/17, Woodward, Lemire) similarly reports that Trump "has pulled bereaved military families into a painful political fight of his own making, going so far Tuesday as to cite the death of" Kelly's "son in Afghanistan to question whether...Obama and other presidents did enough to honor the military dead. He's boasted that 'I think I've called every family of someone who's died,' though AP found relatives of two soldiers who died overseas during Trump's presidency who said they never received a call or a letter from him. The White House said he did telephone on Tuesday the families of four soldiers who were killed in Niger nearly two weeks ago, the issue that had spawned the controversy this week."

Under the headline "After Trump Brings Chief Of Staff Into Controversy Over Condolence Calls, He Phones Families Of Killed Soldiers," the Los Angeles Times (10/17, Bierman, 4.49M) quotes White House Press Secretary Sarah Sanders as saying in a Tuesday statement, "President Trump spoke to all four of the families of those who were killed in action in Niger. He offered condolences on behalf of a grateful nation and assured them their family's extraordinary sacrifice to the country will never be forgotten."

Under the headline "Twelve Days Of Silence, Then A Swipe At Obama: How Trump Handled Four Dead Soldiers," the Washington Post (10/17, Rucker, Lamothe, 10.38M) reports, "The White House did not receive detailed information from the Defense Department about the four...soldiers" – slain Oct. 4 in Niger – "until Oct. 12, and that information was not fully verified by the White House Military Office until Monday, according to a senior White House official who spoke on the condition of anonymity to comment on the internal process. At that point, the official said, Trump was cleared to reach out to the four families – both in letters that were mailed Tuesday and in personal phone calls to family members that day."

Politico (10/17, McCaskill, 3.6M) reported that Trump "has faced an onslaught of criticism – most notably from former Obama aides – since making the accusation against Obama on Monday afternoon in a Rose Garden news conference when asked about his silence regarding the death of four Green Berets related to an Oct. 4 ambush in Niger. 'The traditional way, if you look at President Obama and other presidents, most of them didn't make calls,'" Trump "alleged without evidence Monday. 'A lot of them didn't make calls. I like to call when it's appropriate, when I think I'm able to do it.'" The Hill (10/17, Greenwood, 1.68M) and the Daily Caller (10/17, Pfeiffer, 521K) also report on Trump's remarks from Tuesday and Monday.

Regarding his comment that past presidents did not call fallen soldiers' kin, Trump on Tuesday called the story "fake news," telling [Fox News](#) (10/17, 12.87M), "I don't know what Obama's policy was. I write letters and I also call." Trump touted the support he said he was receiving in the polls in spite of negative media coverage.

During a Tuesday appearance on [Fox and Friends](#) (10/17, 8:40 a.m. EDT, 2.04M), counselor to the President Kellyanne Conway defended Trump's comment that previous presidents have not called fallen soldiers' families, saying that he was "making the point that there's many different ways to reach out" to the kin, and "not everybody calls." Conway also said, "The President made very clear...what he meant and what he is saying," adding that Trump's "focus is always on the grieving, on the families, on the loss of life, and on protecting our soldiers."

Responding to Trump's comment about past presidents calling fallen soldiers' kin, Sen. Ed Markey (D-MA) told [CNN's Situation Room](#) (10/17, 5:25 p.m. EDT, 988K) that he was with Obama when the then-President was visiting families of soldiers who lost their lives in Benghazi.

Florida Democrat Criticizes Trump's "Insensitive" Remarks To Widow Of Slain Soldier. The [Miami Herald](#) (10/17, Cohen, 701K) reports, "Sgt. La David T. Johnson of Miami Gardens, the soldier and father who was killed in Niger, returned home Tuesday afternoon." He "was saluted with a ceremonial homecoming at Miami International Airport." The Herald adds that Trump "called Johnson's pregnant widow Tuesday afternoon." The President "told his widow, who was in a car heading to the airport with her family and US Rep. Frederica Wilson, D-Miami Gardens, that 'he knew what he signed up for...but when it happens it hurts anyway,' according to Wilson, who heard the call on speakerphone in the car." Wilson told the Herald, "I think it's so insensitive. It's crazy. ... You don't say that to someone who lost family, the father, the breadwinner. You can say, 'I'm so sorry for your loss. He's a hero.'"

WPost's Von Drehle Questions Trump's Patriotism. In his [Washington Post](#) (10/17, 10.38M) column, David Von Drehle says that Trump's "impulsive attack on his predecessors" relating to the calling of the families of slain soldiers "has raised again a question that has haunted me since his inaugural address. Is Trump patriotic?" Von Drehle adds, "Patriotism doesn't require us to praise what is not praiseworthy. Like any other American, Trump is free to criticize as he sees fit. But when an elected leader disparages, without cause, the good faith of other elected leaders, he is tearing the country down. ... I don't think we've ever been led by a person with such a low opinion of America."

TRUMP SAYS HE WAS "SURPRISED" BY THE "DISHONESTY IN THE MEDIA." [Politico](#) (10/17, Nelson, 3.6M) reported that during a Tuesday interview with radio host Chris Plante, President Trump said "that he was 'surprised' by what he perceived as the media's continued antipathy towards him after last year's election, characterizing CNN and NBC News 'a joke' and 'a total joke,' respectively." Said Trump, "Actually, dishonesty in the media is one of the things that surprised me the most. I thought after I won, the media would become much more stable and much more honest. They've gone crazy." Trump added, "CNN is a joke. NBC is a total joke. You watch what they report, it bears no relationship to what I'm doing. But the media is absolutely

dishonest and frankly, I've never seen anything quite like it."

In Project Veritas Video, New York Times Editor Rips Trump, Pence. The Washington Times (10/17, Richardson, 541K) reports, "A New York Times senior staff editor called President Trump an 'oblivious idiot' and Vice President Mike Pence 'horrible' and 'worse than Trump' in an undercover video released Tuesday by the watchdog group Project Veritas." The Times says that in the video, "London-based homepage editor Desiree Shoe" rips Trump and Pence "while acknowledging that 'our main stories are supposed to be objective. 'I feel like Trump is a just a sort of an idiot in a lot of ways, just an oblivious idiot,' she" says "in the hidden-camera footage apparently taken at a bar." Shoe added, "If you impeach him, then Pence becomes president, Mike Pence, who's f--ing horrible, I think maybe worse than Trump. I'm speaking off the record." The Times says that Shoe "has worked for the NYT since 2009."

Professor: New York Times' New Social Media Policy "Hide[s] Reporter Biases." The Washington Times (10/17, Richardson, 541K) reports that the New York Times' "new policy on social media may rid the paper of perceived bias, but critics say it leaves unchecked the actual bias permeating" its "reliably liberal pages." Said Cornell Law School professor William A. Jacobson, "I believe in transparency, and The New York Times' new social media guidelines achieve the opposite. The guidelines are designed to hide reporter biases that makes it harder for the public to judge the credibility of reporting. Particularly in an age where we are asked to accept anonymously sourced reporting on the Trump administration, the public should know more about the political biases of those asking us to trust them on sourcing." The New York Times' new "policy prohibits reporters from making social media posts that 'express partisan opinions, promote political views, endorse candidates, make offensive comments or do anything else that undercuts The Times' journalistic reputation.'"

TRUMP WARNS MCCAIN, "I FIGHT BACK AND IT WON'T BE PRETTY." The CBS Evening News (10/17, story 4, 2:40, Mason, 11.17M) reported that after Sen. John McCain "blast[ed] President Trump's ideas with words like 'half-baked' and 'unpatriotic.'" The President on Tuesday "warned McCain to 'be careful.' The Vietnam war hero shot back, 'I've faced tougher adversaries.'" The AP (10/17, Thomas) reports that in a radio interview, Trump said, "I'm being very, very nice but at some point I fight back and it won't be pretty." The New York Post (10/17, Fredericks, 4.31M) reports that the President also said that McCain's deciding vote against the recent Republican healthcare measure was a "shocker."

USA Today (10/17, Cummings, 8.62M) reports that McCain "did not mention the president by name" in his Monday speech, but Politico (10/17, Nelson, 3.6M) says that the remarks "were widely interpreted as a shot at Trump's political style, a mix of nationalism, populism and conservatism." The AP (10/17, Thomas) reports that McCain said, "To abandon the ideals we have advanced around the globe, to refuse the obligations of international leadership for the sake of some half-baked, spurious nationalism cooked up by people who would rather find scapegoats than solve problems, is as unpatriotic as an attachment to any other tired dogma of the past that Americans consigned to the ash heap of history." On Fox News' Fox & Friends (10/17, 8:38 a.m. EDT, 2.04M), Kellyanne Conway denied McCain's assertion that Trump engenders "half-baked, spurious nationalism." Conway said, "We hope we can rely on Sen. McCain's vote" on a number of issues. Fox News' Special Report (10/17, 2.32M) briefly reported on McCain's Monday night remark and Trump's response on Tuesday.

Biden: Trump's Behavior "Absolutely Bizarre." The AP (10/17) reports that former Vice President Joe Biden, who was presenting a medal to McCain at the National Constitution Center event on Monday, on Tuesday "called Trump's behavior 'absolutely bizarre.'" Biden said, "Violating the norms of personal conduct generates more anxiety and fear than any policy prescription that this president has enunciated. This breaking down of international and national norms is the glue that holds the liberal world order together, and holds together our system."

The Washington Times (10/17, Miller, 541K) reports that Biden and Ohio Gov. John Kasich were appearing together at a Delaware event to promote bipartisanship. The Washington Post (10/17, Kane, 10.38M) looks at the long relationship between Biden and McCain, who "have been on opposite sides of many crucial national security debates over the last 30 years," but who now find themselves to be "closely aligned...elder statesmen."

WPost Analysis: Trump Creates, Then Shoots Down Series Of "Political Villains." Michael Scherer writes in the Washington Post (10/17, 10.38M) that President Trump has a practice of "conjuring and then belittling a political villain with little more than taps on a phone. ... In just the past few weeks, Trump has started, without any clear provocation, fights with football players who kneel during the national anthem, departments stores that declare 'happy holidays' instead of 'Merry Christmas,' and late-night television hosts for their 'unfunny and repetitive material.'" He has also gone after "individual targets" including Senate Minority Leader Schumer, Sen. Bob Corker, Hillary Clinton, Kim Jong-un, ESPN's Jemele Hill, "and a shifting array of reporters, newspapers and networks he labels as the 'fake news.'" Scherer says that Trump has used the tactic "for years – defining himself against a negative space, as a tough truth teller who opposes others."

WHITE HOUSE URGES CORKER TO "GET OUT OF THE NAME-CALLING." Politico (10/17, McCaskill, 3.6M) reports that White House press secretary Sarah Sanders, in a radio interview with Hugh Hewitt, said she was open to speaking with Sen. Bob Corker. Sanders said, "Sadly, Sen. Corker hasn't called me, but if he'd like to visit, I'd be happy to talk to him and certainly see if we could get him back on board and do, frankly, what the people of Tennessee elected him to do. ... Hopefully, he'll get out of the name-calling and get back to work here pretty soon."

WHITE HOUSE DENIES TRUMP JOKED PENCE WANTED TO "HANG" GAYS. Politico (10/17, Nussbaum, 3.6M) reports that the White House is denying that President Trump has joked that Vice President Pence "wanted to 'hang' homosexuals as well as other details reported" in a New Yorker profile of Pence. In a statement, White House press secretary Sarah Sanders said, "From start to finish the article relied on fiction rather than facts. ... The suggestion that he would make such outrageous remarks is offensive and untrue." The New Yorker said it "stands by its reporting."

SENATE COMMITTEE SUBPOENAS PAGE, SEEKS INFORMATION FROM FLYNN'S SON. USA Today (10/17, Kelly, 8.62M) reports that the Senate Intelligence Committee "has issued a subpoena to compel testimony and documents from former Trump campaign adviser Carter Page," according to a congressional aide. Investigators "have raised questions about Page's

alleged ties to Russia, which were detailed in a controversial dossier by former British spy Christopher Steele." [Reuters](#) (10/17, Hosenball, Layne) reports that the panel has also asked Michael G. Flynn, the son of ex-National Security Adviser Michael Flynn, "to provide documents and testimony."

Mueller's Team Interviews Spicer. [Politico](#) (10/17, Karni, Dawsey, 3.6M) reports that special counsel Robert Mueller's team met Monday with former White House press secretary Sean Spicer "for an interview that lasted much of the day." According to people familiar with the meeting, Spicer was asked about President Trump's firing of FBI Director James Comey and Trump's meetings with Russians officials including Foreign Minister Sergei Lavrov.

Mueller Interviewed Cybersecurity Researcher Tait. [Business Insider](#) (10/17, 3.83M) reports that Mueller himself has interviewed cybersecurity researcher Matt Tait, "who described being recruited to vet hacked Hillary Clinton emails last year by a GOP operative tied to" the Trump campaign team. The interview took place "several weeks ago."

Kushner Adds Harder To Legal Team. The [Washington Examiner](#) (10/17, Correll, 465K) reports that Jared Kushner has added attorney Charles Harder to his legal team. Harder "has represented Hulk Hogan and Melania Trump" and "previously represented Harvey Weinstein but discontinued representing him amid mounting sexual harassment and assault revelations."

Democrats Reportedly Impatient With Pace Of Russia Probes. [Bloomberg News](#) (10/17, Dennis, House, 4.52M) reports, "Some Democrats in Congress are growing impatient with how the GOP is handling" the Russia probes. Senate Judiciary Committee Democrats "say they want to see more urgency in that panel's efforts," while House Intelligence Committee ranking member Rep. Adam Schiff (D-CA) "says the Trump administration is trying to pressure Congress into ending its investigations prematurely."

BuzzFeed Offers Some Information On Dossier, But Does Not Reveal Source. The [Daily Caller](#) (10/17, Ross, 521K) reports that BuzzFeed News has "provided a few new details about how it obtained the infamous Trump dossier," but it "is still refusing to identify its source" for the document. BuzzFeed reporter Ken Bensinger "revealed that he was granted access to the dossier in December after he became aware of 'intelligence reports alleging that there were connections between the Trump presidential campaign and the Russian government,' according to a declaration filed in federal court Monday in Miami."

FBI Uncovered Russian Bribery Plot Prior To US Approval Of 2010 Uranium Deal. [Fox News' Tucker Carlson Tonight](#) (10/17, 2.78M) reported "the FBI has uncovered evidence of a major Russian bribery effort just before the Obama Administration's approval of a deal back in 2010 that gave Russia control over large amounts of American uranium." [The Hill](#) (10/17, Solomon, Spann, 1.68M) reports that the FBI "had gathered substantial evidence that Russian nuclear industry officials were engaged in bribery, kickbacks, extortion and money laundering designed to grow Vladimir Putin's atomic energy business" inside the US.

Dan McLaughlin writes in the National Review (10/17, 892K) that this “could be a very big news story, if anyone is willing to follow up on it.” Newt Gingrich said on Fox News’ Hannity (10/17, 9:25 p.m. EDT, 4.05M) that this story indicates “levels of corruption and dishonesty on a scale that I can’t remember in American history.”

OBAMA UN AMBASSADOR SAYS UNMASKING REQUESTS WERE MADE IN HER NAME.

The Daily Caller (10/17, Ross, 521K) reports that Obama Administration UN Ambassador Samantha Power told the House Intelligence Committee last week that someone inside the Administration’s “intelligence apparatus made requests to unmask the identity of Americans named in intelligence reports” in her name. Rep. Trey Gowdy (R-SC) told Fox News, “She would say those requests to unmask may have been attributed to her, but they greatly exceed by an exponential factor the requests she actually made.”

TRUMP SAYS FED CHAIRMAN PICK COMING SOON, SOURCE SAYS EARLY NOVEMBER.

USA Today (10/17, Jackson, 8.62M) reports President Trump said Tuesday he will select the next Federal Reserve Board chairman “over the next fairly short period of time.” Addressing reporters at a joint news conference with Greek Prime Minister Alexis Tsipras, Trump also “all but confirmed” the reported list of five finalists: Former Fed governor Kevin Warsh, Stanford University economist John Taylor, current Fed Governor Jerome Powell, National Economic Council Director Gary Cohn, and current Chair Janet Yellen. He said, “I would say within those five you’ll probably get the answer.”

Reuters (10/17, Holland) reports Trump will likely announce his choice for next Fed chair before his trip to Asia in early November, according to a “source familiar with the situation.” The source “said announcing the choice by the time Trump leaves for Asia on Nov. 3 would give the Senate time for the confirmation process.”

WPost: Yellen Deserves A Second Term. In an editorial, the Washington Post (10/17, 10.38M) writes that President Trump should select Janet Yellen for a second term as Federal Reserve Chairman because of her experience with steadily raising interest rates and with the unwinding of the Fed’s asset purchasing program, her encouragement and defense of safeguards on financial institutions, and her relative flexibility compared with the other candidates. The Post concludes that her selection would signal the preservation of the Federal Reserve’s independence from politicization and “would send a reassuring message of continuity.”

DOW TOPS 23,000 FOR FIRST TIME. NBC Nightly News (10/17, story 3, 2:20, Holt, 16.61M) reported the Dow Jones topped 23,000 for the first time on Tuesday before closing just shy of the 23,000 mark. The Dow has grown 16 percent since January 1, and the market altogether has climbed 28 percent since the election of President Trump.

USA Today (10/17, Shell, 8.62M) reports that Wall Street observers say the Dow’s continued rise has been driven by five key factors: rebounding economies around the world, strong US

corporate earnings, low borrowing costs, anticipation of tax cuts, and large US companies' benefiting from a weak dollar and stronger foreign economies.

TRUMP CALLS ON AMERICANS TO SAY "MERRY CHRISTMAS" DURING HOLIDAYS. The Washington Times (10/17, Dinan, 541K) reports President Trump said Tuesday that Americans should be comfortable saying "Merry Christmas." Commenting on stores that don't use "Merry Christmas" in their displays, Trump said, "I want them to say Merry Christmas everybody, Happy New Year, Happy Holidays, but I want Merry Christmas."

TRUMP DROPS IN FORBES 400 RANKING. USA Today (10/17, McCoy, 8.62M) reports President Trump dropped in the annual Forbes magazine rankings of the wealthiest Americans after his fortune shrank by \$600 million, to \$3.1 billion – "dropping him from 156th place to 248th place in the 2017 Forbes 400 ranking, the magazine reported Tuesday." Trump now is tied with Snapchat creator Evan Spiegel in the magazine's 2017 ranking.

TRUMP DC JUDICIAL NOMINEE ADDRESSES JUDICIARY COMMITTEE. The Washington Post (10/17, Marimow, Sullivan, 10.38M) reports that Gregory G. Katsas – President Trump's judicial nominee for the US Court of Appeals for the D.C. Circuit and current deputy White House counsel – on Tuesday "told senators considering his nomination that he advised the Trump administration on the travel ban on residents of certain majority Muslim countries, ending protections for young undocumented immigrants and the president's voter fraud commission." During a two-hour hearing, Katsas also "sought to assure the Senate Judiciary Committee that he would recuse himself from any cases involving his work as a government lawyer." The Post observes that Tuesday's hearing comes as Senate Majority Leader Mitch McConnell "is intensifying efforts to install conservative jurists on the federal bench."

PRUITT SEEKS TO ASSURE SENATORS OVER BIOFUELS MANDATE. The Hill (10/17, Henry, Cama, 1.68M) reports EPA Administrator Pruitt "sought to reassure" Midwestern lawmakers on Tuesday that he supported the federal biofuels mandate. In a nearly hour-long meeting in Sen. Chuck Grassley's Senate office that included Sens. Joni Ernst (R-IA), Ben Sasse (R-NE), and Deb Fischer (R-NE), Pruitt "made a political case for the ethanol mandate." The meeting came amid concerns from lawmakers in both parties about proposed changes to the Renewable Fuel Standard.

SESSIONS CREATES WATCHDOG FOR ASSET FORFEITURE PROGRAM. The Washington Post (10/17, Horwitz, 10.38M) reports Attorney General Sessions is establishing a Justice Department watchdog to oversee the department's asset forfeiture program. In a memo Tuesday, Sessions "directed Deputy Attorney General Rod J. Rosenstein to hire a director to review all aspects of the department's policy and take action if problems arise." Rep. Darrell Issa, who criticized the department last summer when Sessions announced the asset forfeiture program, said Tuesday of the move, "It's nice to see at least some acknowledgment that civil forfeiture is in need of increased oversight, but the changes really don't go far enough and the core problem still remains."

ZINKE BOOSTER NOW EXPRESSES CONCERNS ABOUT HIS PUBLIC LAND POLICIES.

The Washington Post (10/17, Grandoni, 10.38M) reports that Backcountry Hunters & Anglers Executive Director Land Tawney backed fellow Montanan Ryan Zinke's nomination to lead the Interior Department, but is now raising concerns about Zinke's stance on public lands and his "approach to national monuments." Tawney "still has kind words for Zinke, calling him 'a proven leader.'" But "as to the question of whether he still regards him as an ally, Tawney split the difference." He said, "What we've always done is we've applauded [Zinke] for the things that we think he's doing that are beneficial to hunters and anglers, then we've held him accountable on the other end of that."

CHAO SILENT ON FEDERAL MONEY FOR MIAMI'S METRORAIL. The Miami Herald (10/17, Hanks, 701K) reports that Transportation Secretary Chao on Tuesday "deftly avoided" providing information about federal money for Miami's Metrorail during a press conference at Miami International Airport. Chao said, "Resources are an issue. It's a resource issue for all of us. ... From the whole country's point of view, the needs exceed the resources." Chao "didn't mention the issue" of money for expanding Metrorail but "did say the Trump administration may provide help to Miami-Dade beyond money."

FOX NEWS POLL: JONES, MOORE TIED AT 42% IN DEC. 12 SPECIAL ELECTION. On its website, Fox News (10/17, Blanton, 12.87M) reported that a Fox News poll of 801 Alabama voters, taken Oct. 14-16, shows ex-US Attorney Doug Jones (D) and ex-state Supreme Court Justice Roy Moore (R) tied at 42% each in the Dec. 12 special election for the former seat of now-US Attorney General Jeff Sessions. Fox News added "that among just the 53 percent of Alabama registered voters who are extremely or very interested in the race, Jones" leads Moore 46%-45%. Fox News said that President Trump carried "Alabama by 28 points in 2016, yet the Steve Bannon-backed Moore defeated the president's favored candidate, incumbent Luther Strange, in the GOP primary."

The Hill (10/17, Thomsen, 1.68M) reported that the survey "also found that 42 percent of Moore's supporters had some doubts about the candidate, while 48 percent said they strongly support him in the race. Republicans were also less likely to support their nominee than Democrats were to support Jones, with 77 percent of GOP voters saying they'd back Moore. Eight-five percent of Democrats said the same for Jones. Twenty-eight percent of Jones' backers said they had some reservations about him. But 21 percent of his supporters said they were voting against Moore rather than for Jones."

Rand Paul Backs Moore. The Hill (10/17, Shelbourne, 1.68M) reported that Sen. Rand Paul on Tuesday backed Moore's bid, saying in a statement, "Judge Roy Moore has spent a lifetime defending and standing up for the Constitution while fighting for the people of Alabama. We need more people in Washington, D.C. that will stand on principle and defend the Constitution." Writing for the Washington Examiner (10/17, Bedard, 465K), Paul Bedard described Paul's endorsement of Moore as "a huge show of support." Bedard added that Paul's backing "puts a stamp of approval on Moore's anti-Washington campaign which he rode to victory recently in a primary against Sen. Luther Strange, appointed earlier this year to replace former Sen. Jeff Sessions when he became the Attorney General."

THREE POLLS SHOW VIRGINIA GOVERNOR'S RACE "WITHIN THE MARGIN OF ERROR."

Three weeks before next month's election to succeed term-limited Virginia Gov. Terry McAuliffe (D), Politico (10/17, Shepard, 3.6M) reported that a trio of "new public polls show" the battle between ex-RNC chief Ed Gillespie and Lt. Gov. Ralph Northam (D) "within the margin of error." A Monmouth University survey of 408 Virginia likely voters, taken Oct. 12-16, shows Gillespie leading Northam 48%-47%, with Libertarian Cliff Hyra at 3% and 3% undecided. Northam led 49%-44% in last month's poll. Meanwhile, a Christopher Newport University survey of 642 Virginia likely voters, taken Oct. 9-13, shows Northam leading Gillespie 48%-44%, with Hyra at 3% and 5% undecided. Northam led 49%-42% in last week's poll. And a Roanoke College poll of 607 Virginia likely voters, taken Oct. 8-13, shows Northam leading Gillespie 50%-44%, with Hyra at 2% and 4% undecided. Northam led 47%-43% in last month's poll. The Hill (10/17, Hagen, 1.68M) reported that the Monmouth survey "is the first public poll that shows Gillespie leading." The Washington Free Beacon (10/17, Crookston, 158K) also reports on the results of three polls released on Tuesday.

Democrat Northam Has Over Twice As Much Cash On Hand Than Gillespie. The AP (10/17, Suderman) reports that Northam holds "a hefty cash advantage over" Gillespie ahead of next month's election. Northam collected over "\$7 million in September and had about \$5.7 million in the bank at the end of the month." Gillespie, meanwhile, raised "\$4.4 million, with \$2.5 million cash on hand for the same period." Gillespie "enjoyed a cash advantage over Northam after the June primaries but has struggled to match the Democrat's fundraising prowess in recent months." The Washington Post (10/17, Nirappil, 10.38M) reports, "Republicans attributed the fundraising lag to a variety of reasons, including donors who were tuned out after the presidential contest and an unfavorable political climate for the GOP in Virginia."

TWO POLLS SHOW DEMOCRAT MURPHY UP DOUBLE DIGITS IN NEW JERSEY

GOVERNOR'S RACE. NJ News (10/17, Brodesser-Akner, 1.21M) reported that a Farleigh Dickinson University PublicMind poll of 658 New Jersey likely voters, taken Oct. 11-15, shows ex-Goldman Sachs executive Phil Murphy (D) leading Lt. Gov. Kim Guadagno (R-NJ) 47%-32% in next month's election to succeed term-limited Gov. Chris Christie (R-NJ). On its website, Fox News (10/17, Balara, 12.87M) reported that a Fox News poll of 679 New Jersey likely voters, taken Oct. 14-16, shows Murphy leading Guadagno 47%-33%.

Obama Joining Parade Of Democrats Who've Stumped For Murphy. The New York Times (10/17, Corasaniti, Burns, Subscription Publication, 13.56M) reports, "An Obama administration reunion tour is unfolding in New Jersey, as a cavalcade of Democratic luminaries has paraded into the state in recent days, including former Vice President Joseph R. Biden Jr., former Secretary of Labor Thomas E. Perez and former Secretary of State John Kerry, urging voters to" back Murphy's bid. The Times adds that President Obama is slated to stump with Murphy "on Thursday at a rally in Newark, making his first public foray on the campaign trail in support of a Democratic candidate since leaving office. And Hillary Clinton will be a guest of honor at a closed-door fund-raiser for Mr. Murphy on Sunday in Harrison, N.J., her first campaign event since last year's election." Murphy served as ambassador to Germany in the Obama Administration.

Democrats Blast Guadagno Over "Bridgegate." The AP (10/17) reports that the Murphy camp on Tuesday received "a boost from the mayor whose town was gridlocked in the so-called Bridgegate scandal. Democratic Mayor of Fort Lee Mark Sokolich joined fellow Democrats Rep. Bill Pascrell, state Sen. Loretta Weinberg and Hoboken Mayor Dawn Zimmer Tuesday to

attack...Guadagno” on “the same day Murphy unveiled a new 30-second TV spot that says Christie and Guadagno’s biggest triumph ‘was a traffic jam.’ Two former allies of Christie’s were convicted in federal court in the 2013 political payback scheme that saw local access lanes to the George Washington Bridge closed.”

PENCE’S FUNDRAISER BENEFITING COLLINS DRAWS “ABOUT 80” PROTESTERS. The Buffalo (NY) News (10/17, O’Brien, 362K) reports, “About 80 people protested outside a suburban Buffalo restaurant Tuesday as Vice President Pence arrived to raise” cash for Rep. Chris Collins (R-NY), “one of the Trump administration’s staunchest backers in Congress.” The News adds that Collins, “with Pence’s help, expects to raise \$400,000 at [the] event.”

CALIFORNIA HOUSE REPUBLICANS GET LARGE FINANCIAL BOOST FROM PAC’S FUNDRAISER WITH PENCE. The Los Angeles Times (10/17, Mai-Duc, 4.49M) reports, “California Republican House members have received more than \$1 million from a committee that recently benefited from a fundraiser with Vice President Pence. California Victory 2018 – a joint fundraising committee that helps” PACs “belonging to Pence and Rep. Kevin McCarthy as well as congressional campaign accounts of McCarthy and seven California Republicans – received proceeds from a string of Pence fundraisers across the state last week.”

ENDORING FLAKE PRIMARY FOE WARD, BANNON RIPS MCCONNELL, SENATE REPUBLICANS. The AP (10/17, Beaumont, Christie) reports that ex-White House chief strategist Steve Bannon on Tuesday “doubled down on his criticism of the GOP establishment” during a fundraising event benefiting ex-state Sen. Kelli Ward (R-AZ), who is mounting a 2018 primary challenge to Sen. Jeff Flake (R-AZ). Appearing in Scottsdale, Bannon “heaped disdain on Senate Majority Leader Mitch McConnell and other incumbent Republicans, saying they failed President Donald Trump by not backing his agenda and are openly critical of their own president.” Said Bannon, who was joined at Tuesday’s event by conservative talk show host Laura Ingraham, “If you saw how they try to rip him apart every day, how they are trying to destroy him every day. And yes, I’m talking about Mitch McConnell and the Senate Republicans.”

The Arizona Republic (10/17, Nowicki, 968K) reports that Bannon’s appearance “was the biggest indicator to date that the allies of...Trump are settling on Ward as their preferred challenger to Flake.” The Republic adds that Bannon blasted McConnell, “and vowed that the Republican elite are destined to ‘reap the whirlwind’ and ‘that whirlwind is Kelli Ward.’” The “remarks were another salvo in the ‘war’ Bannon has declared on the GOP establishment. ‘It’s an open revolt, and it should be,’ Bannon said before introducing Ward at her campaign’s formal kickoff event.”

Politico Analysis: Some Bannon Candidates Also Backed By GOP Establishment. Politico (10/17, Karni, 3.6M) reports that Steve Bannon recently backed state Auditor Matt Rosendale’s (R) Montana Senate bid “as part of his war on the GOP establishment.” However, Bannon’s “interest in Rosendale – as well as many of the other candidates” he’s backing – “has some Washington GOP power brokers confused by his definition of ‘anti-establishment.’ For months, the National Republican Senatorial Committee has been media training Rosendale,” who’s “also a client of the consulting firm On Message, Inc., one of the most ‘establishment’ consulting firms in Washington.” Politico added, “The overlap between the ‘establishment-backed’ candidates and

those Bannon is elevating in hopes of taking down the establishment has some accusing him of being more interested in a one-man show than his 'season of war against a GOP establishment.'"

Nicholson Hails "Huge Endorsement" By Bannon In GOP Primary. In a report on Sen. Tammy Baldwin's (D-WI) 2018 reelection race, the AP (10/17, Bauer) focuses on the GOP primary, saying that businessman Kevin Nicholson (R) has "won the backing of former presidential strategist Steve Bannon in Wisconsin's US Senate race, a surprise move that sent shockwaves Tuesday through the" Republican contest. Nicholson is battling state Sen. Leah Vukmir (R-WI) in the GOP primary. The AP says, "The endorsement by a political action committee backed by Bannon," the Great America PAC, "comes after both Nicholson and Vukmir met separately in private with Bannon." Nicholson "tweeted on Tuesday that he was 'humbled by this huge endorsement' by Bannon."

HILL ANALYSIS: TRUMP'S SUPPORT GIVES BARLETTA EDGE IN CROWDED PRIMARY. In a report on Sen. Bob Casey's (D-PA) 2018 reelection race, The Hill (10/17, Kamisar, Hagen, 1.68M) said that Rep. Lou Barletta (R-PA) "is seen as the leading GOP candidate to take on" the incumbent Democrat, "with his chances boosted further after a de facto endorsement from President Trump last week. During a Harrisburg, Pa., rally last Wednesday, Trump lauded" Barletta "as a 'great guy' who will 'win big,'" and "then repeated the praise during an interview with Fox News host Sean Hannity. Trump's praise will give Barletta, an early Trump endorser during the presidential race and a key campaign surrogate, a major bump in a crowded primary field that also includes wealthy real estate developer Jeff Bartos."

EIGHT DEMOCRATS ON CNN'S LIST OF "10 SENATE SEATS MOST LIKELY TO SWITCH PARTIES" IN 2018. On its website, CNN (10/17, Bradner, 33.59M) offered its list of "the 10 Senate seats most likely to switch parties in the November 2018 midterms." Topping the list is the seat of Sen. Dean Heller (R-NV), followed by those of Sens. Claire McCaskill (D-MO); Jeff Flake (R-AZ); Joe Donnelly (D-IN); Joe Manchin (D-WV); Heidi Heitkamp (D-ND); Sherrod Brown (D-OH); Jon Tester (D-MT); Tammy Baldwin (D-WI); and Bill Nelson (D-FL).

HAWLEY SPOKESMAN SIDESTEPS QUESTION ON WHETHER CANDIDATE WOULD BACK MCCONNELL. McClatchy (10/17, Wise, 67K) reports that state Attorney Gen. Josh Hawley (R-MO), "Republicans' top recruit to" take on Sen. Claire McCaskill (D-MO) in next year's election, "won't commit to voting for Mitch McConnell as Senate Republican leader if elected in 2018." Asked if the GOP hopeful would back McConnell, Hawley campaign spokesman Scott Paradise "deflected the question," saying in an email, "The Senate is broken and failing the people of Missouri. Josh is running because he is not willing to tolerate the failure of the D.C. establishment any longer. He won't tolerate Claire McCaskill's failure. And he won't tolerate Republican failure, either."

McCaskill Acknowledges "Sloppy" Mistake In Claiming She Was Out When Controversial Bill Passed. The Springfield (MO) News-Leader (10/17, Shesgreen, 61K) reports that McCaskill on Tuesday "said she was wrong when she asserted she'd been undergoing breast cancer treatment on March 17, 2016 – the day the Senate passed legislation undermining the Drug Enforcement Agency's ability to stop suspicious shipments of opioids to what they feared were pill-mills and illicit pharmacies." The bill "dramatically undercut the DEA's efforts to staunch the

flow of millions of opioid pills into communities across the country, according to an investigation by the Washington Post and '60 Minutes,' published on Sunday." Speaking on "Monday with CNN, McCaskill said she didn't go along with the bill and was out for breast cancer treatment when it passed." On Tuesday, however, McCaskill "said her statements on Monday were a 'sloppy embarrassing mistake.'"

SLF UNVEILS MICROSITE TARGETING DEMOCRAT DONNELLY ON OUTSOURCING. The Hill (10/17, Kamisar, 1.68M) reported that the Senate Leadership Fund (SLF), a super PAC aligned with Senate Majority Leader Mitch McConnell, on Tuesday was to unveil "a new microsite" hitting Sen. Joe Donnelly (D-IN) "over revelations from this summer that he earned profit from a family company that outsourced jobs to Mexico. The new website is called 'MexicoJoe.com,' a nod to the pejorative nickname that Republicans have bestowed upon Donnelly since the news broke over the summer. It will be a central hub for the SLF's attacks on Donnelly, hosting content including video and news clippings." Donnelly faces reelection next year.

NELSON RAISES NEARLY \$1.8M IN Q3, HAS \$6.3M BANKED FOR REELECTION RACE. The Tampa Bay (FL) Times (10/17, Leary, 877K) reports that Sen. Bill Nelson (D-FL), who faces reelection next year, "raised \$1.75 million in the third quarter of 2017 and now has \$6.3 million cash-on-hand. The haul comes as Nelson suspended his campaign for several weeks due to the hurricanes, an aide said." Florida Gov. Rick Scott (R), who is term-limited in 2018, is expected to challenge Nelson in next year's election.

TESTIMONY CONTINUES IN MENENDEZ'S FEDERAL CORRUPTION TRIAL. In continuing coverage of the federal corruption trial of Sen. Bob Menendez (D) and his longtime friend and donor, eye doctor Salomon Melgen, Bloomberg News (10/17, Weinberg, Voreacos, 4.52M) reports that Menendez's attorneys on Tuesday "sought to show jurors that the New Jersey Democrat was motivated by a desire to improve public policy and not by corrupt intent when he intervened in a Medicare billing dispute at the heart of" the prosecution's case. Testifying for the defense, "Washington lobbyist Alan Reider" discussed "how he helped Melgen contest accusations that he overbilled for Lucentis, a macular degeneration drug that costs doctors \$2,000. Reider, a health care lawyer, said he argued to Menendez that Medicare policy that prevented multiple doses of Lucentis from a single bottle was confusing and contradictory." Reider "said his briefing with Menendez in 2012 focused on the multidosing policy rather than Melgen's dispute with the government."

Politico (10/17, Friedman, 3.6M) reported that Reider "said he learned of at least six other doctors who were concerned about 'multi-dosing,' even though prosecutors have argued only Melgen had an interest in changing the government's policy on the issue." Reider, "who testified that he had briefly registered as a lobbyist when representing Melgen" as an attorney, "met with Menendez, who later raised the multi-dosing issue with everyone from bureaucrats at the Centers for Medicare and Medicaid Services to then-Health and Human Services Secretary Kathleen Sebelius. Prosecutors say those meetings were favors Menendez did for Melgen...in exchange for private jet flights, vacations and hundreds of thousands of dollars in campaign contributions."

The New York Times (10/17, Wang, Subscription Publication, 13.56M) reports that testifying on Tuesday, "Melgen's wife, Flor Melgen, was alternately subdued and defiant in answering questions about the relationship between her husband and Mr. Menendez." The Times adds that at one point, "after Kirk Ogrosky, a lawyer for Dr. Melgen, asked whether Ms. Melgen had expected to receive anything in return for her donations to Mr. Menendez's campaigns, she replied no. But she then began to explain in Spanish, through an interpreter, that 'every citizen who lives in this country' might expect a return from a candidate who could 'do good for the community.'"

The AP (10/17, Porter) reports that Ms. Melgen "recalled how then-Republican Florida Gov. Charlie Crist showed up at her Palm Beach County home unannounced in October 2010, when he was running for Senate as an independent. Crist apparently was hoping Menendez, at the time the chair of the Democratic Senatorial Campaign Committee, was there that night, she testified. He wasn't, but Crist wound up dining and staying overnight. He reimbursed the Melgens \$100 for the dinner. 'So at least one politician knows how to pay your husband back,' Justice Department attorney Monique Abrishami said. Defense attorneys immediately objected, and US District Judge William Walls cautioned jurors to disregard attorneys' 'throwaway questions.'"

NJ News (10/17, Moriarty, Spoto, 1.21M) reports, "Defense attorneys raised the subject of [Crist's reimbursement] to try to address the issue of one of the flights prosecutors allege Menendez took on Melgen's dime as part of a bribe. The defense has argued Menendez should not have been charged in that instance because, they say, that Oct. 9 to 11, 2010, trip to Florida was campaign-related and should have been reimbursed by the DSCC."

Poll: 73% Of New Jersey Voters Say Menendez Should Resign Immediately, If Convicted. Meanwhile, Fox News (10/17, Balara, 12.87M) reported on its website that in a Fox News poll of 679 New Jersey likely voters, taken Oct. 14-16, 63% of those surveyed said that Menendez "should resign immediately," if convicted of the corruption charges, while 19% said "he should wait until the next governor is in office."

Pence: If Convicted, It Would Be "Inappropriate And Wrong" For Menendez To Remain In Senate. The Washington Times (10/17, Persons, 541K) reports that during a Tuesday interview with conservative radio host Hugh Hewitt, Vice President Pence said that having Menendez continue to serve in the Senate "would be 'inappropriate' if he's convicted in his federal corruption case." Said Pence, "I think that'll be a decision for members of the Senate. But having a convicted felon in the United States Senate, I think, would be altogether inappropriate and wrong."

NEW WILDFIRES EMERGE IN SANTA CRUZ MOUNTAINS. ABC World News Tonight (10/17, story 5, 1:55, Muir, 14.63M) reported that "as firefighters make progress on the devastating wildfires" in California, new fires emerged in the Santa Cruz Mountains on Tuesday night, leaving five firefighters injured. Sutter Santa Rosa Regional Hospital (SSRRH) evacuated all 77 patients. SSRRH Chief Nursing Executive Robin Allen said, "We believe over 30 physicians at this facility lost their homes, as well as over 40 staff members."

Sonoma Sheriff Denies Reports Linking Wildfires To Arson-Related Arrest. The Redding (CA) Record-Searchlight (10/17, Sandhu, Longoria, 59K) reports that on Tuesday, Breitbart News and InfoWars “attempted to link the Sunday arrest of” Latino man Jesus Fabian Gonzalez “on suspicion of arson in Sonoma to the massive, deadly cluster of wildfires burning in California’s wine country,” but the outlets “offered no evidence to link the man’s arrest to the fires and their accounts of the man’s arrest were disputed the same day by Sonoma County Sheriff Rob Giordano.” Giordano said in a news conference, “There’s a story out there he’s the arsonist for these fires. That is not the case. There is no indication he is related to these fires at all.”

WEINSTEIN RESIGNS FROM HIS COMPANY; AMAZON EXEC STEPS DOWN. NBC Nightly News (10/17, story 7, 2:10, Holt, 16.61M) reported Harvey Weinstein on Tuesday officially resigned from the board of his company as more than 50 women accuse him of sexual harassment or assault. The head of Amazon Studios also resigned Tuesday amid sexual harassment allegations, and executive producer Amanda Segel now is accusing Weinstein’s brother, Bob Weinstein, of harassing her. The CBS Evening News (10/17, story 9, 0:25, Mason, 11.17M) reported that Spike TV has said it is investigating Segel’s claims. A spokesman for Bob Weinstein has “denied the charges.”

ABC World News Tonight (10/17, story 4, 2:15, Muir, 14.63M) reported that “other Hollywood A-listers are coming forward with their own experiences” of harassment and assault, with actress Reese Witherspoon claiming she was abused by a “Hollywood director” and Jennifer Lawrence making her own claims.

WOMEN DENOUNCE HARASSMENT IN CALIFORNIA’S STATE LEGISLATURE. The New York Times (10/17, Nagourney, Medina, Subscription Publication, 13.56M) reports that more than 140 women – “including legislators, senior legislative aides and lobbyists” – have drafted a letter denouncing “what they describe as pervasive sexual misconduct by powerful men” in California’s state legislature. Women “complained of groping, lewd comments and suggestions of trading sexual favors for legislation while doing business in Sacramento.” The letter “comes as the scandal involving Mr. Weinstein had set off a wave of investigations, recriminations and accusations across the nation, including in state capitals in Rhode Island and South Dakota.”

NYTIMES A1: SECRETIVE “SELF-HELP” GROUP FOR WOMEN REQUIRES MEMBERS TO BE BRANDED. In a front-page story, the New York Times (10/17, A1, Meier, Subscription Publication, 13.56M) reports on the inner workings of a secretive “self-help” organization, called Nxivm, where women, in order to gain admission, “were required to give their recruiter...naked photographs or other compromising material” to ensure their silence about the group and then were “branded” with a cauterizing device. Since the late 1990s, “an estimated 16,000 people have enrolled in courses offered by Nxivm (pronounced Nex-e-um), which it says are designed to bring about greater self-fulfillment by eliminating psychological and emotional barriers.” With recent revelations of the “secret sisterhood and branding,” scores of members are leaving the organization, and interviews with a dozen of them “portray a group spinning more deeply into disturbing practices.”

TRUMP ACCUSER DESCRIBES EARLIER HARASSMENT EXPERIENCE. In a USA Today (10/17, 8.62M) op-ed, journalist Natasha Stoyanoff – who wrote last year in People about being

harassed by Donald Trump during a 2005 interview – describes her experience being sexually harassed by an unnamed actor 30 years ago. Stoyanoff writes that women are beginning to open up about their experiences of harassment and assault. Women “are not afraid anymore, and there is no room in this world for men of this ilk.”

PENCE SAYS WALKING OUT OF COLTS GAME WAS “RIGHT THING TO DO.” [WXIN-TV](#)

Indianapolis (10/17, 178K) reports online that Vice President Pence said Tuesday that his decision to walk out from an Indianapolis Colts game after players knelt during the national anthem was the right choice. In a radio interview with WIBC-FM's Tony Katz, Pence said, “You know we had had plans for a long time to attend that game. Karen and I were looking very much forward to it, but frankly when we saw that so many players took a knee on the sideline we thought it was the right thing to do to leave.” Pence did say he and President Trump had discussed the situation before he came to Indianapolis, and he added that while “everybody is entitled to their opinion...the president and I believe it's not too much to ask for all players to respect our soldiers, respect our flag, respect our national anthem, and that's why we left.”

In addition to providing video of Pence's interview with Tony Katz, [WIBC-FM Indianapolis](#) (10/17, 7K) reports online that Pence also discussed the Administration's domestic and foreign policy accomplishments and the importance of tax reform. Pence said, “And before the end of this year we're going to cut taxes for working-class families and small businesses all across America.”

NFL OWNERS, PLAYERS MEET TO DISCUSS ANTHEM PROTESTS. [NBC Nightly News](#)

(10/17, story 13, 0:20, Holt, 16.61M) reported that NFL team owners and players met on Tuesday in New York to discuss league protocol on kneeling during the national anthem. While the two sides “called the meeting productive,” there was no agreement reached on the anthem protests. During the meeting, protests “erupted” outside.

[ABC World News Tonight](#) (10/17, lead story, 2:25, Muir, 14.63M) reported NFL Commissioner Roger Goodell announced Tuesday evening that owners did not ask the players to stand for the national anthem. Players at the meeting said progress was made on bringing attention to the reasons that some were kneeling. Players and owners “are expected to get together to discuss” the kneeling issue again “within the next couple of weeks.”

GOOGLE SERVES “FAKE NEWS” ADS ON FACT-CHECKING SITES, NYTIMES FINDS. [A](#)

[New York Times](#) (10/17, Wakabayashi, Qiu, Subscription Publication, 13.56M) investigation found that enticing fake “headlines served as bait to draw readers to fraudulent sites that masqueraded as mainstream news sites, such as People and Vogue.” The Times found that “fake publishers used Google's AdWords system to place the advertisements on websites that fit their broad parameters,” including, ironically, “PolitiFact and Snopes, fact-checking sites created precisely to dispel such falsehoods.” The article highlights opinion that this investigation's finding underscores the challenges of avoiding so-called “fake news.”

NATIONAL ARCHIVES WARNED ADMINISTRATION TO PRESERVE DOCUMENTS. [Politico](#)

(10/17, Dawsey, Bender, 3.6M) cites sources and documents as indicating “National Archives

officials have periodically warned White House lawyers that the Trump administration needs to follow document preservation laws.” National Archives officials reportedly “told the White House counsel’s office they were concerned that wasn’t happening, particularly early in the administration.” In addition, the nonpartisan watchdog group Citizens for Responsibility and Ethics “is suing the Trump administration over its adherence to the record law, citing the use by White House officials of encrypted smartphone apps to communicate, such as Confide and Signal, which are designed to delete data.”

BIPARTISAN GROUP TO URGE TRUMP TO ALTER POLICING POLICIES. The New York Times (10/17, Haberman, Subscription Publication, 13.56M) reports that a “broad coalition” of law enforcement officials and activists “is expected to urge President Trump on Wednesday to adjust policies on policing and criminality, the first time such a group has spoken out against the Trump administration.” According to the Times, “some of the nation’s most prominent prosecutors, police chiefs and criminal justice overhaul advocates,” including Sen. Thom Tillis (R-NC) and “representatives from the conservative Koch brothers network,” will meet in Washington, DC for the National Law Enforcement Summit. Former Attorney General Eric Holder and Sally Q. Yates, “the acting attorney general whom Mr. Trump abruptly fired in the first few days of his presidency, will speak.” The presenters “are expected to pose the challenge to Mr. Trump, who ran in 2016 as a ‘law and order’ candidate but whose attorney general’s policies – as well as Mr. Trump’s own messaging – have come under increasing criticism from local law enforcement officials.”

OPEN SOCIETY DISCLOSES \$18 BILLION IN DONATIONS FROM GEORGES SOROS. On its front page, the Wall Street Journal (10/17, A1, Chung, Das, Subscription Publication, 6.45M) reports that Open Society Foundations said Tuesday that in recent years, George Soros has moved about \$18 billion of his money into Open Society. Soros reportedly has no plans to trade the billions now belonging to Open Society, as his family office manages the endowment. The article outlines causes supported by Open Society, including immigration reform, US criminal justice reform, mentoring programs for black and Latino young men, and indirectly, the Black Lives Matter movement.

The New York Times (10/17, Gelles, Subscription Publication, 13.56M) reports that this makes Open Society “the second largest foundation in the United States by assets, according to the National Philanthropic Trust.” The Times mentions that Soros had wrongly bet against the stock market after Trump was elected.

DUCKWORTH: CONGRESS SEEKING TO REMOVE PROTECTIONS FOR DISABLED. In a Washington Post (10/17, 10.38M) op-ed, Sen. Tammy Duckworth (D-IL) writes that Congress – led by “special interests” in the hospitality and retail industries – are working to undermine the Americans with Disabilities Act by offering legislation that seeks “to shift the burden of ADA compliance away from business owners and onto individuals with disabilities.” She argues that if Congress passes the “misguided” ADA Education and Reform Act, “it would send a disgraceful message to Americans with disabilities that their civil rights are not worthy of strong enforcement.”

WSJOURNAL DECRIES COURT RULING ABSOLVING PROSECUTORS FOR USING FALSE INFORMATION. The Wall Street Journal (10/17, Subscription Publication, 6.45M) editorializes about Tuesday’s ruling by the 2nd Circuit Court of Appeals that absolved prosecutors for the use

of false information in the prosecution of hedge fund founder David Ganek. Ganek had sued the prosecutors, seeking damages after the prosecution had put his hedge fund out of business. The appeals court ruled that the prosecutors were immune from liability. The Journal calls this another example of abusive behavior by prosecutors, and it urges the Justice Department to investigate the incident and to discipline the prosecutors.

WSJOURNAL APPLAUDS GOV. BROWN'S VETO OF CAMPUS SEXUAL ASSAULT BILL.

The Wall Street Journal (10/17, Subscription Publication, 6.45M) editorial board praises California Governor Jerry Brown's (D) Sunday veto of a bill that would have codified the Obama Administration's "Dear Colleague" guidance, which said universities would lose federal funds if they did not create courts to litigate Title IX campus sexual assault claims. The Journal urges politicians to stay focused on their principles in spite of desire to buck the Trump Administration.

WPOST OFFERS FAREWELL TO FORMER COMMUNICATIONS VICE PRESIDENT. In an editorial, the Washington Post (10/17, 10.38M) writes offers a farewell message for The Post's former vice president of communications, Vincent E. Reed, who died Tuesday at the age of 89. The Post says Reed "leaves a rich legacy" in the lives of the students who benefited from the school he created – Benjamin Banneker Academic High School – and the educators "helped by the support and guidance he provided from his position at The Post."

Editorial Wrap-Up:

NEW YORK TIMES. "Mr Trump Outdoes Himself In Picking A Conflicted Regulator." A New York Times (10/17, Subscription Publication, 13.56M) editorial says President Trump has "made a habit of filling important jobs with people dedicated to undermining the laws they're supposed to administer while pampering the industries they're supposed to regulate," and "yet no nomination has been as brazen, as dangerous to public health and as deserving of Senate rejection as that of Michael Dourson to run the EPA office in charge of reviewing chemicals used in agriculture, industry and household products." Dourson's nomination is "enthusiastically endorsed by the chemical industry," but "horrifies environmental groups, public health advocates, firefighters and scientists." The Times says it "would take just a few Republicans to block the nomination," and urges senators to "think hard about the impact their votes could have on the health of Americans for years to come."

WASHINGTON POST. "Janet Yellen Deserves A Second Term As Fed Chair." In an editorial, the Washington Post (10/17, 10.38M) writes that President Trump should select Janet Yellen for a second term as Federal Reserve Chairman because of her experience with steadily raising interest rates and with the unwinding of the Fed's asset purchasing program, her encouragement and defense of safeguards on financial institutions, and her relative flexibility compared with the other candidates. The Post concludes that her selection would signal the preservation of the Federal Reserve's independence from politicization and "would send a reassuring message of continuity."

“The Hope For Change In Venezuela Suffers A Crushing Blow.” A Washington Post (10/17, 10.38M) editorial says “hopes that Venezuela could emerge from its catastrophic political and economic collapse by democratic means suffered a crushing and perhaps terminal blow on Sunday” when the government of Nicolás Maduro staged elections for provincial governors. Polls showed the opposition, “which reluctantly agreed to participate, would win up to two-thirds of the races,” and yet the results “announced by pro-regime election authorities were nearly the opposite.” The Post argues that Sunday’s result suggests that a free and fair democratic election in Venezuela “is no longer possible.”

“Saying Farewell To A Local Icon Of National Renown.” In an editorial, the Washington Post (10/17, 10.38M) writes offers a farewell message for The Post’s former vice president of communications, Vincent E. Reed, who died Tuesday at the age of 89. The Post says Reed “leaves a rich legacy” in the lives of the students who benefited from the school he created – Benjamin Banneker Academic High School – and the educators “helped by the support and guidance he provided from his position at The Post.”

WALL STREET JOURNAL. *“The Realtors Take A Tax Hostage.”* In an editorial, the Wall Street Journal (10/17, Subscription Publication, 6.45M) writes that The National Association of Realtors’ attack on GOP tax legislation is based upon their desire to keep middle-class tax rates high to preserve their mortgage interest deduction subsidy. The Journal concludes that Republicans should stand firm against the housing lobby’s efforts against the GOP plan.

“Jerry Brown’s Title IX Veto.” The Wall Street Journal (10/17, Subscription Publication, 6.45M) editorial board praises California Governor Jerry Brown’s (D) Sunday veto of a bill that would have codified the Obama Administration’s “Dear Colleague” guidance, which said universities would lose federal funds if they did not create courts to litigate Title IX campus sexual assault claims. The Journal urges politicians to stay focused on their principles in spite of desire to buck the Trump Administration.

“Prosecutorial Impunity.” The Wall Street Journal (10/17, Subscription Publication, 6.45M) editorializes about Tuesday’s ruling by the 2nd Circuit Court of Appeals that absolved prosecutors for the use of false information in the prosecution of hedge fund founder David Ganek. Ganek had sued the prosecutors, seeking damages after the prosecution had put his hedge fund out of business. The appeals court ruled that the prosecutors were immune from liability. The Journal calls this another example of abusive behavior by prosecutors, and it urges the Justice Department to investigate the incident and to discipline the prosecutors.

The Big Picture:

HEADLINES FROM TODAY’S FRONT PAGES.

Wall Street Journal:

[Senators Reach Deal To Shore Up Health Markets](#)

[Soros Transfers \\$18 Billion To Foundation, Creating Instant Giant](#)

[US-Backed Forces Say They Have Taken Last Islamic State Urban Stronghold](#)

[The Other Brother: Bob Weinstein Was An Abusive Boss](#)

New York Times:

[2 Senators Strike Deal On Health Subsidies That Trump Cut Off](#)

[Raqqa, ISIS 'Capital,' Is Captured, US-Backed Forces Say](#)

[As Party Gathers, Xi Jinping Displays A Firm Grip On Power](#)

[Inside A Secretive Group Where Women Are Branded](#)

[Navy SEALs Were Ready If Pakistan Failed To Free Family Held As Hostages](#)

[Women Denounce Harassment In California's Capital](#)

Washington Post:

[Latest Healthcare Effort Quickly Stalls](#)

[US-Backed Force Says Raqqa Free Of ISIS](#)

[Despite Decision Against Uber, London's Rivalry Between Traditional, Modern Transit Continues](#)

[Drug Czar Pick Bows Out Amid Criticism Of Law](#)

[Judge Largely Halts Latest Version Of Travel Ban](#)

Financial Times:

[US-Backed Forces Claim Victory Over ISIS In Raqqa As Jihadis Flee](#)

[Airbus Challenges Boeing With Vow To Create US Jobs](#)

[Wall St Banks Boosted By Lending To Rich Clients](#)

Washington Times:

[Trump Supports Bipartisan Short-Term Fix To Stabilize Obamacare](#)

[Judge Blocks Trump's Travel Ban For Third Time](#)

Islamic State's 'Caliphate' Dissolves, But Ideology, Operations Spread Around World

New York Times' Social Media Policy Only Hides Political Bias, Doesn't Eliminate It

Biden And Kasich Claim Political Center, Turn Bipartisan Talk Against Trump

After Year In Coffin, Thai King's Body Prepared For Royal Cremation

Story Lineup From Last Night's Network News:

ABC: NFL Owners Meeting; Bipartisan Healthcare Plan; White House-Fallen Soldiers Call; Weinstein Sexual Harassment Scandal; California Wildfires; Travel Restriction Blocked; Syria-Raqqa Assault; Ohio-Police Violence; Cold Medicine Murder; Texas Air Balloon Crash Investigation; Ford Explorers-Call For Recall; Aspiring Kid.

CBS: Opioid Epidemic-Marino Nomination Withdrawn; Opioid Epidemic-Hard Hit Area; Texas Air Balloon Crash Investigation; McCain, Biden-Trump Criticisms; White House-Fallen Soldiers Call; Syria-Raqqa Assault; Ford Explorers-Call For Recall; Travel Restriction Blocked; Weinstein Sexual Harassment Scandal; Young Political Candidates.

NBC: White House-Fallen Soldiers Call; Bipartisan Healthcare Plan; Wall Street Records; Opioid Epidemic-Marino Nomination Withdrawn; Opioid Epidemic-Chinese Imports; Travel Restriction Blocked; Weinstein Sexual Harassment Scandal; United Overbooking Investigation; Texas Air Balloon Crash Investigation; Syria-Raqqa Assault; Ford Explorers-Call For Recall; NFL Owners Meeting; GMO Apple; Brooklyn-Loose Cow; Creative Chemistry Class.

Network TV At A Glance:

White House-Fallen Soldiers Call – 8 minutes, 15 seconds

Opioid Epidemic – 6 minutes, 25 seconds

Syria-Raqqa Assault – 6 minutes, 15 seconds

Weinstein Sexual Harassment Scandal – 4 minutes, 50 seconds

Ford Explorers-Call For Recall – 4 minutes, 20 seconds

Travel Restriction Blocked – 1 minute, 20 seconds

Story Lineup From This Morning's Radio News Broadcasts:

ABC: Travel Restriction Blocked; Bipartisan Healthcare Plan; NFL Owners Meeting; Maryland-Hate Crime Trial; Wall Street News.

CBS: Bipartisan Healthcare Plan; Travel Restriction Blocked; Opioid Epidemic; White House-Fallen Soldiers Call; California Wildfires.

FOX: Bipartisan Healthcare Plan; California Wildfires; Weinstein Sexual Harassment Scandal.

NPR: Travel Restriction Blocked; California Wildfires; NFL Owners Meeting; Amazon Sexual Harassment Scandal.

Last Laughs:

LATE NIGHT POLITICAL HUMOR.

Jimmy Kimmel: "They have a policy where if an animal escapes a slaughterhouse, it gets to go free. Isn't that great? The bull is being sent to a rehabilitation facility for misbehaving cows. That's the good news. The bad news is it is also where they sent Harvey Weinstein."

Trevor Noah: "Speaking of hairy creatures, yesterday President Trump held a surprise press conference with Senate Majority Leader Mitch McConnell, which is kind of the worst surprise ever. 'Surprise, I brought Mitch McConnell!' Boo! What kind of surprise party is [with] Mitch McConnell?"

Trevor Noah: "I don't know, something's fishy here. They sound less like real friends and more like Trump trying to get Mitch a green card. 'This gentleman, I'm going to say Mitch, right, Mr. Immigration Officer, this relationship is special, it's so special.' 'That's what you said about Melania.'"

Trevor Noah: "See what [President Trump] said? 'President Obama never called. I call and I write. I also haven't called and I didn't write. But I do, except when I don't, which is now.'"

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LEADING THE NEWS

Senators Reach Bipartisan Agreement To Fund ACA Subsidy Payments.

The New York Times (10/17, Kaplan, Subscription Publication, 13.56M) reports on its front page that Sens. Lamar Alexander (R-TN) and Patty Murray (D-WA) "have reached a bipartisan deal to provide funding for critical subsidies to health insurers that President Trump said last week that he would cut off," Alexander said on Tuesday. This agreement aims "to stabilize health insurance markets under the Affordable Care Act." Under the agreement, "the subsidies would be funded for two years, a step that would provide at least short-term certainty to insurers." The article says Trump called the deal a "short term" solution.

USA Today (10/17, Jackson, 8.62M) reports that Trump again criticized the ACA on Tuesday, saying, "Obamacare is a disgrace to our nation. ... We are solving the problem of Obamacare." He also said the ACA was "dead" in his opinion. But after being told about the bipartisan deal, Trump said lawmakers "are working together and I know very much what they're doing, OK?"

In a front-page article, the Wall Street Journal (10/17, A1, Armour, Peterson, Subscription Publication, 6.45M) quotes Alexander as saying, "Sen. Murray and I have an agreement. ... Democrats feel like there are protections there...at the same time we give significant flexibility to states."

The AP (10/17, Fram) reports that Trump "spoke favorably about the bipartisan compromise, which is still likely to face opposition in Congress." Alexander added that Trump had been encouraging, and that he "likes this idea."

The article says that although the deal "is a breakthrough, they still need to secure the support of fellow Republicans and Democrats." The piece adds that Senate Majority Leader Mitch McConnell (R-KY) "was noncommittal, while Minority Leader Chuck Schumer, D-N.Y., welcomed the agreement as a step forward that will provide stability for insurance markets in the short-term."

On its front page, the Washington Post (10/17, A1, Sullivan, Eilperin, 10.38M) reports "Republican leaders did not immediate[ly] endorse the Alexander-Murray framework, raising new questions about whether it would find any traction." The article adds that for now, "many Republican senators are distancing themselves from the emerging Alexander-Murray plan."

Bloomberg News (10/17, Edney, Wasson, Litvan, 4.52M) reports that if the proposal "becomes law, it could end a chaotic week that saw the White House move to dismantle parts of the Affordable Care Act even as Trump took credit for pushing lawmakers to work out the fixes."

Reuters (10/17, Abutaleb, Cowan) reports that Murray said about the deal, "We are ironing out a few of the last details right now but I am very optimistic that we will be able to make an announcement with all the details very soon." For his part, Alexander stated, "This takes care of the next two years." He added, "This is a small step. I'd like to undersell it, not oversell it."

Also covering the story are ABC World News Tonight (10/17, story 2, 2:35, Muir, 14.63M), NBC Nightly News (10/17, story 2, 0:30, Holt, 16.61M), USA Today (10/17, Berry, 8.62M) in a second story, the Los Angeles Times (10/17, Levey, Mascaro, 4.49M), the Washington Times (10/17, Boyer, 541K), the New York Post (10/17,

Fredericks, 4.31M), Politico (10/17, Haberkorn, 3.6M), CNBC (10/17, Mangan, Pramuk, Coombs, 3.48M), The Hill (10/17, Sullivan, 1.68M), the Huffington Post (10/17, Fuller, Bobic, Cohn, 5.74M), NPR (10/17, Kodjak, 2.4M), the Washington Examiner (10/17, Leonard, 465K), Roll Call (10/17, McIntire, 134K), and Modern Healthcare (10/17, Meyer, Subscription Publication, 238K).

Mark Walker Calls Bipartisan Deal “An Affront To GOP Promises To Repeal” ACA. The Hill (10/17, Sullivan, 1.68M) reports that in response to the announcement about the bipartisan deal, Rep. Mark Walker (R-NC), chairman of the conservative Republican Study Committee in the House, dismissed it “as an affront to GOP promises to repeal President Obama’s signature legislation.” Walker said, “Anything propping [ObamaCare] up is only saving what Republicans promised to dismantle.”

The Washington Examiner (10/17, King, 465K) reports that Walker tweeted, “The GOP should focus on repealing & replacing Obamacare, not trying to save it. ... This bailout is unacceptable.”

In a separate article, the Washington Examiner (10/17, King, 465K) reports that Sen. Lamar Alexander (R-TN) “shrugged off criticism from House conservatives Tuesday that it was a ‘bailout.’” He said, “I appreciated President Trump’s encouragement and his recommendation that it was important to continue the cost-sharing payments for two years in order to avoid harming millions of Americans. ... That is kind of comment that I welcome, and I think his support is important.”

Another article in The Hill (10/17, Rouben, 1.68M) also covers the story.

Heritage Foundation Fellow Slams Bipartisan Deal To Fund ACA Subsidy Payments. The Hill (10/17, Greenwood, 1.68M) reports that on Tuesday, Ed Haislmaier, a senior research fellow in healthcare policy for the Heritage Foundation, “ripped a bipartisan deal...that would provide funding for” ACA subsidy payments to insurers. He stated, “For Congress, the most important thing is to recognize that funding the cost sharing reduction subsidies – as many are now calling for – would prop up the subsidized ObamaCare exchange market, but would do absolutely nothing to stabilize the broader, unsubsidized individual market.”

Mark Meadows Calls Bipartisan Deal A “Good Start.” The Hill (10/17, Weixel, 1.68M) reports that on Tuesday, Rep. Mark Meadows (R-NC), chairman of the House Freedom Caucus, “said more work needs to be done to get conservatives to support a bipartisan Senate deal to extend critical ObamaCare payments to insurers, but he called it a starting point.” Meadows is quoted as saying, “There are elements in the Alexander-Murray plan that we can build on, but much more work needs to be done.” He characterized the agreement as a “good start.”

The Washington Examiner (10/17, Weaver, 465K) also covers the story.

Connecticut Lawmakers Praise Bipartisan Deal. The Connecticut Mirror (10/17, Radelat) reports that the bipartisan deal “would also restore \$106 million in funding for advertising and marketing of the Affordable Care Act that helps people enroll in insurance plans.” Commenting on the agreement, Sen. Richard Blumenthal (D-CT) said, “This bipartisan agreement is a victory for American patients and consumers, showing how we can work together across party lines. ... Extending payments for critical healthcare subsidies ensures that countless Americans will retain access to their healthcare, in spite of the president’s repeated attempts to sabotage insurance markets.” Meanwhile, Sen. Chris Murphy (D-CT) “called the agreement ‘good news.’”

THE SECRETARY IN THE NEWS

Trump May Be Considering Alex Azar To Replace Price As HHS Secretary, Sources Say. Politico (10/17, Restuccia, Johnson, Karlin-Smith, Dawsey, 3.6M) reports President Trump “is leaning toward nominating Alex Azar, a former pharmaceutical industry executive and George W. Bush administration official, to serve as Health and Human Services secretary, according to two White House officials.” If confirmed, Azar would replace former HHS Secretary Tom Price who resigned last month following criticism about his use of private jets and military planes. The article adds that according to several unnamed sources, other possible candidates for the post, including CMS Administrator Seema Verma and FDA Commissioner Scott Gottlieb, “are no longer under consideration.”

Reuters (10/17, Walsh) reports that Azar served as “deputy secretary at HHS during the administration of President George W. Bush before joining drugmaker Eli Lilly and Co, first as senior vice president of corporate affairs and communications, and later as president of Lilly USA, its U.S. affiliate.”

The Washington Post (10/17, Eilperin, Goldstein, 10.38M) reports that “both of the HHS secretaries for whom Azar worked are supporting him for the position.” Mike Leavitt on Tuesday said Azar was “an experienced, competent conservative who is confirmable.” Tommy Thompson praised Azar’s “record of proven competence” and combination of private- and public-sector management and “deep substantive health-care knowledge.”

The New York Daily News (10/17, Silverstein, 3.61M) reports that while Azar has experience working at HHS, he spent most of the last decade “working for the same drug industry he would be expected to oversee while leading the department.”

The Hill (10/17, Savransky, 1.68M) the Washington Times (10/17, Persons, 541K), the Indianapolis Star (10/17, Groppe, 479K), and the Indianapolis Business Journal (10/17, 37K) also cover the story.

Trump Says He Will Nominate A New HHS Secretary Soon. The AP (10/17) reports that on Tuesday, President Trump said he is “‘more than close’ to naming a new health and human services secretary.” He added that if his choice for HHS Secretary is confirmed, “it will be...fantastic.”

Democratic Lawmakers Want Trump Administration To Justify Decision To End ACA Subsidy Payments. The Washington Examiner (10/17, Leonard, 465K) reports that on Tuesday, congressional Democrats “demanded that the Trump administration justify its decision to end insurer payments, accusing him of doing so not for legal reasons, but to ‘sabotage’ Obamacare.” They wrote to President Trump and Acting HHS Secretary Eric Hargan, seeking “documentation to show which factors were considered in Trump’s decision to end the payments, known as cost-sharing reduction, or CSR, subsidies.” The lawmakers “asked for any analyses that were conducted, including what impact his decision

would have on health insurance costs, access to coverage, and federal spending.”

HHS IN THE NEWS

Trump Administration Reportedly Preventing Undocumented Minors Who Were Raped From Obtaining Abortions. The Huffington Post (10/17, Foley, 5.74M) reports, “Many undocumented immigrant girls seeking safety in the United States are raped during their journeys,” but when “they arrive, they are put in custody of a government that is now obstructing access to abortion.” The article says earlier this year, the Trump Administration implemented new rules “to prevent undocumented minors in government custody from getting abortions. Since March, the government has required shelters to get its approval before releasing girls for abortion-related services – approval that officials have refused to grant.” The piece adds that officials are demanding that “minors be sent to crisis pregnancy centers that discourage them from seeking abortions, and at times have intervened directly to discourage girls from terminating their pregnancies.” The Office of Refugee Resettlement said in a statement, “There is no constitutional right for a pregnant minor to illegally cross the U.S. border and get an elective abortion while in federal custody.”

Undocumented Immigrant Minor Files Another Lawsuit Seeking Permission For An Abortion. The Washington Post (10/17, Sacchetti, Somashekhar, 10.38M) reports, “The American Civil Liberties Union is accusing the Trump administration of illegally blocking a 17-year-old Central American immigrant from having an abortion and will urge a federal judge in Washington on Wednesday to clear the way for her and other young immigrants to terminate their pregnancies.”

The Dallas Morning News (10/17, Wang, 984K) reports that “Jane Doe,” a 17-year-old undocumented and unaccompanied immigrant in Texas, has filed another lawsuit seeking permission for an abortion. The article explains that Doe’s previous lawsuit was dismissed, but that she has filed another federal lawsuit in a different court against the heads of the Department of Health and Human Services, the Administration for Children and Families, and the Office of Refugee Resettlement. The American Civil Liberties Union is representing Doe in the

lawsuit, and “has requested a temporary restraining order to allow Doe to have an abortion.”

The New York Daily News (10/17, Cullen, 3.61M) reports that the Administration for Children and Families said in a statement that under federal law, the Office of Refugee Resettlement can “decide what is in the best interests of a minor in the unaccompanied alien children program and, in this case, her unborn baby.”

The Daily Caller (10/17, Carr, 521K) reports that Texas Attorney General Ken Paxton said that ruling in favor of Doe would “create a right to abortion for anyone on earth who enters the US illegally. And with that right, countless others undoubtedly would follow. Texas must not become a sanctuary state for abortions.” CNN (10/17, Levenson, Burnside, 33.59M) also covers the story.

HHS To Hold National Conference On Small Business Grants In Milwaukee.

The Milwaukee Journal Sentinel (10/17, Hauer, 628K) reports the Department of Health and Human Services will hold a national conference on the Small Business Innovation and Research and Small Business Technology Transfer grants in Milwaukee from November 7 to November 9. During the conference, “around 100 program managers from” the Centers for Disease Control and Prevention, the Food and Drug Administration, and the National Institutes of Health will be in Milwaukee, and “attendees will be able to meet one-on-one with the program managers to learn how to submit successful applications.” Walter Koroshetz, the director of the National Institute of Neurological Disorders and Stroke, will give one of the keynote addresses at the conference.

Benefits Of Implementing Value-Based Care In Question.

STAT (10/17, 43K) reports that “the implementation of value-based care is a flop so far,” as “costs have continued to skyrocket,” Medicare “has lost money on accountable care organizations,” and “forecasted quality gains have not materialized.” The article explains that Centers for Medicare and Medicaid Services Director Seema Verma has begun “began soliciting new ideas last month for changing how care is delivered and paid for by the government.” According to STAT, Verma’s request “charted a new course for the agency’s

innovation center, saying it wants to cut red tape, empower consumers, and ‘allow physicians and other providers to focus on providing high-quality healthcare to their patients.’”

Opinion: HHS Should Use Emergency Prescription Assistance Program To Help Those Affected By Recent Hurricanes.

Brian Nyquist, the executive director of the National Infusion Center Association, writes in an opinion piece in The Hill (10/17, 1.68M) that the Department of Health and Human Services should enact the Emergency Prescription Assistance Program to help those who are struggling to obtain their prescriptions because of recent hurricanes. Nyquist explains that “the program provides a mechanism for more than 70,000 enrolled retail pharmacies nationwide to process claims for certain kinds of prescription drugs, specific medical supplies, vaccines and some forms of medical equipment for uninsured individuals in a federally-identified disaster area.”

Indian Health Service Defends Contract Awarded To Former NextCare CEO.

“The federal Indian Health Service agency is defending a contract it awarded” in September to Arizona-based Tribal Emergency Medicine, “whose CEO formerly led a firm that paid \$10 million to settle allegations of submitting false claims to government health programs,” the AP (10/17) reports. “Tribal Emergency Medicine CEO John Shufeldt previously led NextCare Inc., a multistate chain of urgent-care clinics,” the article explains. In 2009, a former employee filed a lawsuit against NextCare “on behalf of the U.S. government alleging the company conducted hundreds of unnecessary allergy and respiratory tests on patients and then submitted bills for the tests to government programs. ... The lawsuit also alleged the company inflated billings as part of a practice known as upcoding.”

Health Experts Call For Changes To Food Environment As CDC Research Shows Rising Obesity Rates.

With obesity rates in the US at “a new high,” public health experts are calling for “an aggressive shift in strategy – one that would change the food environment through initiatives such as soda taxes,” USA Today (10/17, Toy, 8.62M) reports. Traditional “public health efforts have centered on

communicating messages about what is healthy in the hopes of changing people's behavior," but new research by the Centers for Disease Control and Prevention's National Center for Health Statistics shows a steady increase in obesity rates among US adults, up from 30.5 percent in 1999-2000 to 39.8 percent in 2015-2016. The article cites "Craig Hales, the study's lead researcher and a medical epidemiologist at the CDC," and notes that "physician Jerome Adams, who was sworn in as surgeon general in August, on Monday cited obesity as among the Department of Health and Human Services' three top priorities," with the other two being mental health and addiction.

Brennan: NLM Is A "Safe Harbor" For Information. STAT (10/17, Blau, 43K) interviews National Library of Medicine Director Patricia Brennan, who discusses efforts to improve the accessibility of data. "The library is a safe harbor for information," Brennan told STAT. "We are counted on to openly curate the important health knowledge of an era – and preserve it across eras." Brennan insists that the NLM, part of the National Institutes of Health, "has not received any directive to restrict our information or change the information we have available," unlike other agencies which have restricted public access to certain information under the Trump Administration. "I have a buffer between me and the political," she said during a recent talk to journalists at the NLM, referring to Dr. Francis Collins, head of the NIH, an Obama appointee who has kept his job under the new Administration.

Opinion: US Should Fund More Research On How To Care For People With Alzheimer's Disease. Rob Egge, the chief public policy officer of the Alzheimer's Association, writes in an opinion piece in The Hill (10/17, 1.68M) that "this week, leading experts in dementia care and services are gathered at the National Institutes of Health (NIH) for the National Research Summit on Care, Services and Supports for Persons with Dementia and Their Caregivers." Egge argues that while funding for research to prevent or cure Alzheimer's disease is crucial, the federal government should also fund research on how to better care for those already living with the disease.

More Researchers Keeping Primates In Shared Cages Rather Than Alone.

The NPR (10/17, Greenfieldboyce, 2.4M) "Shots" blog reports that more researchers are keeping primates in shared cages rather than alone. According to a survey, the percentage of research labs that kept primates in cages alone decreased from 59% in 2003 to 35% in 2014. The article reports that the National Institutes of Health's Office of Laboratory Animal Welfare's Guide for the Care and Use Of Laboratory Animals says shared cages should be the "default" for primates.

HEALTH REFORM

Trump Calls On Congress To Fix "ObamaCare Mess" At Heritage Foundation Event. The Hill (10/17, Bowden, 1.68M) reports President Donald Trump told a conservative gathering at the Heritage Foundation that he "commends" the bipartisan legislation negotiated by Sens. Lamar Alexander (R-TN) and Patty Murray (D-WA) to stabilize the healthcare system and said Congress should fix the "ObamaCare mess." Trump also said, "I'm pleased that Democrats have finally responded to my call for them to take responsibility for their ObamaCare disaster and work with Republicans to provide much needed relief to the American people." The Hill adds that "the bipartisan deal got a cold shoulder from Republicans on Tuesday, suggesting it faces a rocky path to become law."

President Trump May Have To Lobby For Bipartisan Healthcare Deal. Politico (10/17, Haberkorn, Cancryn, 3.6M) reports that a bipartisan deal negotiated between Sens. Lamar Alexander (R-TN) and Patty Murray (D-WA) to stabilize health insurance markets may rely on President Trump's support. The President praised the legislation as "a very good solution" Tuesday, but also said later to the Heritage Foundation, "While I commend the bipartisan work done by Sens. Alexander and Murray – and I do commend it – I continue to believe Congress must find a solution to the Obamacare mess instead of providing bailouts to insurance companies." Sen. Mike Rounds (R-SD) said, "The fact that the president has indicated a real interest in seeing a bipartisan fix like this move forward for a short-term fix is critical." Senate Majority Leader Mitch McConnell added that a vote has not been

scheduled on the legislation, saying, "We haven't had a chance to think about the way forward yet."

Trump Says Senate GOP Will Resume Work On ACA Repeal Bill After Tax Reform.

The Washington Examiner (10/17, Morrongiello, 465K) reports that on Tuesday, President Trump predicted that "Senate Republicans will return to healthcare reform as soon as Congress passes tax cuts, claiming GOP leaders still have the votes to pass a bill that would redirect federal funding for Obamacare to the states." He is quoted as saying, "We are very close." The article says Trump also endorsed the bipartisan deal that seeks to shore up ACA marketplaces.

U.S. News & World Report (10/17, 1.73M) also covers the story.

Trump Blames Dems For Premium Hikes For ACA Plans.

The Hill (10/17, Weixel, 1.68M) reports that on Tuesday, President Trump "blamed Democrats for any premium spikes for ObamaCare plans, even as key senators announced a bipartisan deal aimed at saving the insurance markets from actions taken by the administration." Trump tweeted, "Any increase in ObamaCare premiums is the fault of the Democrats for giving us a 'product' that never had a chance of working."

Sens. Bennet, Kaine Unveil Proposal To Add Public Option To ACA.

The Hill (10/17, Sullivan, 1.68M) reports that on Tuesday, Sens. Michael Bennet (D-CO) and Tim Kaine (D-VA) unveiled a bill which seeks "to add a government-run 'public option' plan to ObamaCare, modeled on Medicare." The article says the proposal, "part of a long-running debate in the Democratic Party about how far to go in expanding government-run health insurance, would move ObamaCare to the left, but does not go as far as Sen. Bernie Sanders's (I-Vt.) 'Medicare for all' plan." The piece adds that rather than eliminate the ACA and replace with Medicare for everyone, this bill "would provide an option modeled on Medicare as a choice alongside private plans offered through the existing ObamaCare system."

Some States, Insurers Scrambling To Raise Rates Following Trump's Decision To End ACA Subsidy

Payments. Carolyn Y. Johnson writes in the Washington Post (10/17, 10.38M) "Wonkblog" that state insurance regulators and insurers "scrambled to raise premiums for insurance plans sold on the Affordable Care Act exchanges Monday, after the White House announced it was ending key federal subsidy payments." The piece says some insurers are only now raising prices following President Trump's decision to end ACA subsidy payments. However, in several states, "insurance companies had already priced in a possible end of CSRs to their rate requests, anticipating President Trump's move."

Senate GOP's Slim Majority Threatened By The Age And Illnesses Of Certain Lawmakers.

The AP (10/17, Fram) reports, "Top Republicans coping with a razor-thin majority in the Senate as they try pushing a partisan agenda are running smack into another complication – the sheer age and health issues of some senators." The article adds that Sen. Thad Cochran (R-MS), aged 79, returned to Washington, DC on Tuesday "after a month of treatment at home. A statement said he still had urological issues and his treatment 'could affect his work schedule.'" The piece also mentions Sen. John McCain (R-AZ), 81, who is receiving treatment for brain cancer, and says that in July, the Senate delayed a vote to repeal the ACA for a week so that McCain could participate.

Sens. Toomey, Cotton Unveil New Bill To Exempt Certain People From ACA's Individual Mandate.

The Hill (10/17, Weixel, 1.68M) reports Sens. Pat Toomey (R-PA) and Tom Cotton (R-AR) have unveiled legislation that "would exempt certain people from ObamaCare's requirement that everyone must purchase health insurance or pay a fine." The lawmakers said the ACA's individual mandate is "cruel," and "they want to exempt working class Americans from the requirement." The measure "would exempt anyone who earns less than the national median household income; lives in a state where the average premium increased by more than 10 percent year over year; or anyone who lives in a county with only one insurer."

Insurers May Lose About \$1 Billion During The Remainder Of 2017 If ACA Subsidy Payments End, Analysis

Indicates. The Washington Examiner (10/17, King, 465K) reports a new analysis conducted by Avalere Health indicates ACA plans “will post losses of up to \$1 billion for the rest of 2017 due to President Trump’s decision to cut off insurer payments.” These losses differ “from state to state, with North Dakota plans losing the least with \$1.2 million for the rest of 2017 and Florida losing the most with \$200 million.” The article says the analysis highlights the impact of Trump’s decision, and the possible effect on ACA insurers if Congress fails to take action.

Federal Funding For Indiana’s ACA Navigators Cut By 82%. The Indianapolis Star (10/17, Rudavsky, 479K) reports the Trump Administration recently cut “funds to support its Navigator program, which helps consumers find coverage through the marketplace and enroll for Medicaid.” The move deeply impacted Indiana, which “saw an 82 percent cut in its funding, going from \$1.6 million in 2016 to \$296,704 for 2017.” The article says these decreases have caused concern that people will be unable to find assistance to enroll in ACA plans. The piece adds, however, that in many cases, “federally qualified health centers have their own navigators and other entities also support individuals who can assist with enrollment.”

Pittsburgh, Erie Roman Catholic Dioceses Settle Lawsuits Over ACA’s Contraception Mandate. The AP (10/17, Mandak) reports, “The Pittsburgh and Erie Roman Catholic dioceses have settled lawsuits seeking to overturn an Affordable Care Act mandate that would have forced them to provide contraceptive and abortion-inducing drugs or services as part of their employee health care plans.” Earlier this month, the Trump Administration announced it was rescinding the ACA’s contraception mandate, and issued new rules which “broadened ‘conscience protections’ to include nonprofits and certain other businesses that claim a moral objection to contraception or abortion, even if it’s not religious-based.” The article says the US Supreme Court had ordered the plaintiffs and the US government to settle the suits, and on Tuesday, Pittsburgh Bishop David Zubik, the lead plaintiff in the case, announced the settlement, saying that it “restores religious freedom granted by the First Amendment.”

Democratic Candidates In Minnesota’s Gubernatorial Race Unanimously Support Single-Payer Healthcare System. The St. Paul (MN) Pioneer Press (10/17, Stassen, 527K) reports that as debate over the fate of the ACA continues, “Minnesota Democrats who would be governor are near united in their prescriptions: Universal and single-payer is the way forward.” The article says during a recent debate, “the half-dozen Democratic-Farmer-Labor candidates gave nods to supporting universal health care.” Four of them “proudly said they supported a single-payer health care model, meaning a publicly financed system.”

North Dakota Insurance Commissioner Says He Will Not Allow More Rate Hikes For ACA Plans. The AP (10/17, Nicholson) reports that on Tuesday, North Dakota Insurance Commissioner Jon Godfread said “he will deny any additional rate increases” for ACA plans being offered for 2018. Godfread warned last week that President Trump’s decision to end ACA subsidy payments to insurers could raise rates by up to 10 percent. On Tuesday, Godfread wrote to Blue Cross Blue Shield of North Dakota, Medica and Sanford Health Plan, saying he would not allow any more increases. He stated that “this is an issue that is between insurance carriers and the federal government,” and that it was his “duty to look out for those consumers who have had to absorb multiple rounds of increases to their health insurance premiums without receiving any assistance from the federal government.”

Centene Raises Premiums In Arkansas By 21.4 Percent. The Arkansas Democrat Gazette (10/17, Davis, 319K) reports that Arkansas Gov. Asa Hutchinson (R) said additional premium increases for plans on the state’s exchange will have a “minimal impact” on the cost of the state’s expanded Medicaid program. Due to the increases, “the state will pay higher premiums next year to provide coverage under Arkansas Works,” but the costs are likely to be offset by the elimination of cost-sharing reduction payments. The article explains that Centene has raised its average premium in the state by 21.4 percent.

Celtic Insurance/MHS To Raise Average ACA Plan Premiums In Indiana By 35.7 Percent. The Indianapolis Business Journal (10/17, 37K) reports that Celtic Insurance Co./MHS is increasing its average premiums for ACA exchange by 35.7 percent to \$496 per month. The article points out that the company “is one of two insurers that have committed to the Obamacare exchanges for Indiana next year.”

New Jersey Regulators Approve Premium Increases For Individual ACA Plans. The Philadelphia Inquirer (10/17, Brubaker, 1.71M) reports that the New Jersey Department of Banking and Insurance approved average rate increases for individual ACA plans for next year. Horizon Blue Cross Blue Shield of New Jersey will increase rates 24.3 percent and AmeriHealth New Jersey rates will rise by 17.1 percent. The Inquirer adds, “Were it not for uncertainty over federal policy, such as the elimination of payments to insurers to cover out-of-pocket costs for consumers and weakened enforcement of the requirement that individuals buy health insurance, the increases would have been significantly lower, Horizon said.”

The AP (10/17) reports that AmeriHealth has expanded its service and will offer plans in 13 of the state’s 21 counties under the new rates next year.

Massachusetts State Senators Propose Wide-Ranging Healthcare Reform Bill. The AP (10/17, Salsberg) reports Massachusetts Senate leaders filed a bill Tuesday to which “aims to squeeze out between \$475 million and \$525 million in overall health care savings by 2020.” The “wide-ranging proposal” includes provisions to “curb price increases for prescription drugs, reduce the number of unnecessary visits to hospital emergency rooms and smooth out vast disparities between payments made to smaller community hospitals and their large Boston counterparts.” The AP reports that the measure is “likely to undergo changes as it makes its way through the legislative process.”

Vermont Joins Lawsuit Against Trump To Maintain ACA Subsidies. VT Digger (VT) (10/17, Mansfield, 3K) reports Vermont

Attorney General TJ Donovan announced Tuesday that his state will join a lawsuit along with 17 other states and DC against President Trump over his “decision to cut off federal health insurance subsidies designed to help low-income sick people.” Donovan explained, “There’s got to be some sort of process here. ... You just can’t say one day, ‘We’re going to stop making these payments from the federal government.’ That would be too arbitrary. It comes down to process.” The article reports that 13,000 Vermont residents receive federal cost-sharing reduction subsidies.

Senate Healthcare Bill Could Rescue MinnesotaCare Funding Cuts. The Minneapolis Star Tribune (10/17, Brooks, 1.27M) reports that the bipartisan legislation proposed by Sens. Patty Murray (D-WA) and Lamar Alexander (R-TN) clarifies that lowering premiums in the state insurance marketplace, as Minnesota has done, will not cause a reduction in federal healthcare subsidies. The measure is in response to the Centers for Medicare and Medicaid Service’s decision on the state’s ACA waiver application, which determined that the state would lose \$742 million in funding for its MinnesotaCare program. Sen. Amy Klobuchar (D-MN) said, “They want to encourage things like what Minnesota did,” adding, “What we did was set a path for other states to do the same thing, and if you cut us off, you cut off other states.”

McCain, Murkowski Say They Support Bipartisan Healthcare Deal. The Hill (10/17, Carney, 1.68M) reports Sens. John McCain (R-AZ) and Lisa Murkowski (R-AK) both gave their support behind a bipartisan healthcare bill Tuesday. McCain said, “While this deal certainly doesn’t solve all the problems caused by Obamacare, it shows that good faith, bipartisan negotiations can achieve consensus on lasting reform. ... I look forward to voting in support of this bill.” Murkowski called it a “short-term deal” and added that it was “an important step as we work towards long-term solutions.” The Hill added, however, that it is “not clear if the Alexander-Murray deal can get the 60 votes needed in the Senate, much less win over the more conservative House GOP caucus.”

Bipartisan Healthcare Deal Includes Provisions For Democrats And Republicans. The Wall Street Journal (10/17,

Hackman, Mathews, Subscription Publication, 6.45M) examines the compromise between Democrats and Republicans in the healthcare proposal announced Tuesday by Sens. Lamar Alexander (R-TN) and Patty Murray (D-WA). The Journal observes that Democrats secured restored funding for cost-sharing payments for two years and funding for ACA outreach, while Republicans added increased flexibility for waivers and catastrophic plans.

Sen. Johnson To Question OPM Nominees On Congressional Healthcare Contributions. Roll Call

(10/17, Lesniewski, 134K) reports Sen. Ron Johnson (R-WI), Senate Homeland Security and Governmental Affairs Chairman, plans to question nominees for the Office of Personnel Management Wednesday on the agency's policy of paying "employer contributions for members of Congress and staffers who were moved from the Federal Employee Health Benefits system to the District of Columbia exchange set up under" the ACA. The nominees, Jeff T.H. Pon for director and Michael Rigas for deputy director, were informed that the committee sought documents regarding that topic as part of the confirmation process. Johnson added, "I've already spoken to both the nominee for director and for the deputy director. ... They're fully aware of it, and you can expect that question coming up in the hearing tomorrow as well."

Key Questions Surround The Senate's Bipartisan Healthcare Proposal.

The Washington Examiner (10/18, King, Leonard, 465K) examines some key questions about the bipartisan plan circulated by Sens. Lamar Alexander (R-TN) and Patty Murray (D-WA). The piece discusses whether the plan could pass in the House given the Republican Study Committee's tweet that the deal was a "bailout," and whether the President will support it. The Examiner also assesses how states will benefit from the measure, including whether 2018 rates will be affected, and the piece asks whether the Administration might delay open enrollment which is set to start November 1.

Commentary Considers Health Reform. Several outlets offer opinions on health reform.

Matt O'Brien writes for the Washington Post (10/17, 10.38M) "Wonkblog" that President Trump is taking a "three-pronged approach to undermining Obamacare" which includes cutting back on outreach, letting people buy "bare-bones coverage" again, and "pulling the plug on Obamacare's cost-sharing reduction payments." O'Brien discusses Trump's statements in support of a bipartisan bill that would continue the CSRs, but concludes, "The only thing that is clear is that right now Trump is threatening to take steps to make insurance more expensive and markets less stable than they were before."

Brian Balogh writes in a Washington Post (10/17, 10.38M) piece that last week, President Trump again sought to erase "his biggest humiliation since taking office: the failure to repeal and replace Obamacare." The executive order he signed includes a provision to expand access to "Association Health Plans." Balogh wonders if Trump understands what comprises an association, and adds, "We really can't blame the president for not knowing the scope of associations, though. Few Americans understand how associations affect every facet of their daily lives."

Aaron Blake writes for the Washington Post (10/17, 10.38M) "The Fix" blog that President Trump first justified his decision to stop paying ACA subsidies to insurers because the insurance companies were "getting rich" off of them, pointing to their stock prices. Blake adds that Trump was "cherry-picking his data" from the date the ACA passed, not when it was "actually implemented," and leaves out the fact that insurers are "generally taking losses from their Affordable Care Act plans." The piece concludes, "Very little of it makes sense, and coming from a president who seemed to vacillate daily on what he wanted from an Obamacare replacement, it suggests Trump doesn't really have a game plan or understanding of how all of this works."

Joshua Jamerson writes in a Wall Street Journal (10/17, 6.45M) "WashWire" piece that President Trump has indicated he would sign a bipartisan effort to shore up ACA marketplaces. Jamerson adds that Sens. Lamar Alexander (R-TN) and Patty Murray (D-WA) are working on such a measure. It would authorize funding for ACA subsidy payments to insurers, and provide states with more flexibility to reshape the healthcare law.

Bloomberg View (10/17, 4.52M) editorializes that the bipartisan agreement reached by Sens. Lamar Alexander (R-TN) and Patty Murray (D-WA) to shore up the health insurance system is “exactly the kind of rational compromise that Washington needs more of.” The editorial urges President Trump to “get his own party, especially in the House of Representatives, to help pass it.” The piece concludes that “by demonstrating how readily the law can be tweaked in productive ways that appeal to both Democrats and Republicans, it could begin to lay a bipartisan foundation for the U.S. health-care system.”

Michael Katz, a pediatric anesthesiologist, writes in The Hill (10/17, 1.68M) that the healthcare debate in Washington is “missing a fundamental point: the real problem with American health care is the fundamentally flawed business structure underlying its delivery.” Katz explains that the “system is exceptionally good at caring for the very sick, injured and dying but poorly equipped to promote a healthy society and the healthy lifestyles that consume less care.” The piece recommends that the President and Congress enact policies to “develop a consolidated and integrated health system” and concludes that we need leaders who recognize “our society’s moral obligation to achieve health equality.”

David O. Barbe, President of the American Medical Association, writes in the U.S. News & World Report (10/17, 1.73M) that the Trump Administration’s “decision to end cost-sharing reduction payments not only disrupts the health insurance market, but contradicts many of the health reform priorities expressed this year by both the president and members of Congress.” The decision will “not increase competition or consumer choice” of health insurance plans, will “cause average premiums to rise by 20 percent in 2018,” and will “increase the federal deficit by \$194 billion from 2017 through 2026,” according to Congressional Budget Office analyses. Barbe concludes, “Clearly, the recent action taken by the administration has created a crisis point where partisan differences must be set aside in favor of a bipartisan agreement to maintain the stability of the non-group insurance market place” and that “our patients are counting on Congress to do the right thing.”

The New York Daily News (10/18, 3.61M) editorializes that the bipartisan legislation authored by Sens. Lamar Alexander (R-TN) and

Patty Murray (D-WA) is a “modest bill” that is a “no-brainer fix.” The piece observes that the bill is a “bipartisan remedy” to a “health-insurance crisis of the President’s own making – restoring subsidies that enable insurance companies to offer plans with affordable copays, and taking other steps to stabilize, not sabotage, Obamacare markets.” Despite being a “no-brainer,” the piece says that it has no “guarantee that it has any chance of passage in the Republican-controlled House.”

John Stoeher, in a U.S. News & World Report (10/17, 1.73M) column, calls for “constitutional conservatives” to recognize that President Trump’s announcement to end payments to health insurers that help cover out-of-pocket costs for low-income Americans “is actual tyranny.” The piece discusses the Anti-Federalist papers during the founding era which “understood a nation is a social contract.” The column concludes that “self-described constitutional conservatives are not considering the fullness of the Constitution” and “are focusing on one vital aspect – which is that Congress has the power of the purse – while overlooking another vital aspect – which is the goal of protecting and defending against the state of nature.”

Abbe Gluck, professor at Yale Law School’s Solomon Center for Health Law and Policy, writes for Vox (10/17, 1.54M) that “Modern American history has never seen as full-scale an effort to sabotage a valid law as we have with President Trump and the Affordable Care Act.” The “intentional, multi-pronged sabotage of the ACA ... violates both Trump’s constitutional obligations and quite possibly the obligations of his Department of Health and Human Services.” Gluck adds that the Constitution requires the President to “take Care that the laws be faithfully executed,” and concludes, “The president has a right not to like the ACA. But so long as it is the law of the land, he does not have the right to undermine it through the use of executive power.”

Jay Bookman writes in the Atlanta Journal-Constitution (10/17, 1.16M) that when President Trump claims that “Obamacare is finished,” what he means is that he “is ensuring that the program helps as few Americans as possible, at as high a cost as possible to taxpayers, in hopes that by inflicting a lot of pain he can destroy the program’s growing popularity.” Bookman continues, “Trump has taken a hostage with no real idea of what ransom he wants in return” because after more

than two years, Trump has “offered up nothing in the form of a plan or a bill” – aside from what congressional Republicans “vomited forth.” Bookman concludes that Trump’s “plan” is to cause as much chaos and pain to as many people as possible,” and that he is “doing it because he can destroy, but he cannot build.”

Eric Leenson and Dan Geiger, Co-Directors of the Business Alliance for a Healthy California, write in the San Diego Union-Tribune (10/17, 668K) that “small businesses are among the most negatively impacted by our nation’s health care system’s runaway costs and corporate insurance system.” The column says that the Healthy California Act, SB 562, provides for Medicare-for-all and would especially benefit small businesses by “lowering overall health expenditures,” “freeing businesses from the burden and expense of managing and paying for employees’ health care,” and “the stress of administering” health insurance plans. The piece concludes by quoting a former Cigna vice president, Wendell Potter, who said, “When businesses understand the benefits of single payer and speak out, there will be no stopping the movement for universal health care.”

Daniel Hemel, assistant professor at the University of Chicago Law School, in an op-ed in the Washington Post, reprinted in the Harrisburg (PA) Patriot-News (10/17, 553K), calls for states to seize the “opportunity to restore order to their insurance markets” following President Trump’s announcement his Administration will not pay ACA subsidies. The states can make those subsidy payments themselves, encouraging “insurers to stay on the exchanges rather than rushing to the exits,” then sue the Department of Health and Human Services for reimbursement. The states are likely to win such a suit, as “the Supreme Court has interpreted similar statutory language to require the federal government to make payments even in the absence of a congressional appropriation.”

Ed Kilgore writes in the Daily Intelligencer (NY) (10/17, 519K) that “only legislation can bring back the payments that offset insurers’ obligation under the Affordable Care Act to ensure that low-income consumers can buy an individual health-insurance policy without ruinous out-of-pocket expenses.” While Sens. Lamar Alexander (R-TN) and Patty Murray’s (D-WA) proposals had long included continuing cost-sharing reduction payments, their “negotiations were made both more urgent and more politically complicated last

week when the president abruptly announced that he was canceling the payment” of the CSR reimbursements. Kilgore adds that the “main problem with this I-broke-it-so-Congress-can-fix-it approach is timing” because rates for 2018 have already been set and the “damage may already be done.”

The Tulsa (OK) World (10/17, 320K) editorializes that President Trump’s “most controversial move” to “halt federal payments for cost-sharing reductions that help millions of lower-income Americans afford coverage” has caused “concern for the viability of the ‘Obamacare’ marketplaces.” The editorial adds that President Trump “owns the political consequences” of the decision. The World concludes that “if the cost of that insurance skyrockets and the availability disappears because of Trump’s actions, the president will have a hard time blaming the implosion of Obamacare on Obama.”

OPIOID NEWS

Rep. Marino Withdraws From Consideration For Drug Czar Position After Criticism. NBC Nightly News (10/17, story 4, 0:20, Holt, 16.61M) reported, “President Trump says his nominee to be the next US drug czar is withdrawing from consideration for the job.”

The CBS Evening News (10/17, lead story, 1:40, Mason, 11.17M) reported that “Congressman Tom Marino [R-PA] withdrew under pressure today as President Trump’s nominee to be drug czar” following a television report revealing his “role in legislation that makes it easier for drug companies to distribute opioids in the midst of an epidemic that’s claiming thousands of lives.”

The New York Times (10/18, A19, Baker, Subscription Publication, 13.56M) reports, “The collapse of Mr. Marino’s nomination highlighted the Trump administration’s troubles formulating a response to a crisis that the president has called unlike any” other in the history of the US.

The Washington Post (10/17, Gearan, Bernstein, Higham, O’Keefe, 10.38M) reports Trump announced the withdrawal of Rep. Tom Marino’s nomination as the head of the Office of National Drug Control Policy. The article points out that the announcement follows a Washington Post/60 Minutes investigation that found Marino had “helped steer legislation in Congress making it harder for the Drug Enforcement Administration

to act against giant drug companies.” The Los Angeles Times (10/17, Lauter, 4.49M) reports Trump said that “we’re going to be looking into” Marino’s actions.

Reuters (10/17, Lynch, Brice) reports that “the legislation championed by Marino...was the product of a drug industry quest to weaken the US Drug Enforcement Administration’s authority to stem the flow of painkillers to the black market.” The article reports that “the law made it almost impossible for the DEA to freeze suspicious shipments of narcotics to prevent them from reaching the street.”

The Wall Street Journal (10/17, Nicholas, Subscription Publication, 6.45M) reports after the investigation’s findings were released, many members of Congress called for his nomination to be withdrawn and praised the President after he made the announcement. The AP (10/17, Superville, Daly) reports Sen. Claire McCaskill (D-MO) said that she will introduce legislation to repeal the law. The Philadelphia Inquirer (10/17, Whelan, 1.71M) reports Reps. Brian Fitzpatrick (R-PA) and Kyrsten Sinema (D-AZ) are leading an effort to repeal the bill in the House. Fitzpatrick said in a press release, “This legislation is about righting a wrong and upholding our commitment to keep our constituents safe.”

The Hill (10/17, Savransky, Rouben, 1.68M) points out that several agencies that “play a role in the federal response to the opioid epidemic” lack Senate-confirmed leaders, including the Department of Health and Human Services, the White House Office of National Drug Control Policy, and the DEA.

Also covering the story are Politico (10/17, Ehley, 3.6M), the Washington Examiner (10/17, Giaritelli, 465K), the ABC News (10/17, Stracqualursi, 2.83M) website, CNN (10/17, Vazquez, 33.59M), Bloomberg News (10/17, Olorunnipa, 4.52M), NPR (10/17, Chappell, 2.4M), The Atlantic (10/16, Berman, 1.64M), the New York Daily News (10/17, Silverstein, 3.61M), and the Allentown (PA) Morning Call (10/17, Olson, 312K).

Columnist: Withdrawal Of Marino Nomination Is Another Obstacle To Addressing The Opioid Crisis. Dan Janison writes in his column in Newsday (NY) (10/17, Janison, 1.64M) that the White House is facing “hurdles on the path to solutions” for the opioid crisis. Janison argues that the controversy surrounding Marino’s nomination to head the DEA

is one of those obstacles for the Trump Administration.

Commentaries Address Opioid Crisis, Marino’s Withdrawal. A USA Today (10/17, 8.62M) editorial is critical of the President’s delay in addressing the opioid epidemic, saying he said “he would declare the emergency” over the summer, “but didn’t follow through.” USA Today says both Congress and the President need to do more, and in the wake of Rep. Tom Marino’s withdrawal Tuesday as Trump’s nominee to lead the ONDCP, the editorial urges Trump to nominate “a public health expert, not a politician.”

John M. Gray, president and CEO of the Healthcare Distribution Alliance, argues in USA Today (10/17, 8.62M) that the 2016 law which prompted Marino’s withdrawal, known as the Ensuring Patient Access and Effective Drug Enforcement Act, was “a bipartisan, commonsense step forward to improve enforcement efforts and combat the opioid epidemic.” He notes that it went into effect in April 2016, “well after the opioid epidemic took hold. Based on this timeline, the law had no bearing on any enforcement slowdown that occurred in prior years, as alleged by the reporting.”

Trump Says He’ll Formally Declare National Emergency To Combat Opioid Epidemic Next Week.

USA Today (10/17, Korte, 8.62M) reports that after first promising “to declare a national emergency to confront the epidemic 68 days ago,” President Trump “now says he’ll formally declare that emergency next week, a two-month delay that he said underscores the ‘time-consuming work’ behind his administration’s response to the crisis.” Neither the White House nor the President “would explain what’s holding up the proclamation, though Trump suggested that he’s wading through uncharted waters.”

DOJ To Consider Repeal Of Law Blocking DEA From Halting Opioid Shipments.

USA Today (10/17, Johnson, 8.62M) reports the Justice Department is weighing whether to seek a repeal of the Ensuring Patient Access and Effective Drug Enforcement Act, legislation passed in 2016 “that ultimately undermined law enforcement’s ability to stop suspicious shipments of opioids that have been driving surges in overdose deaths across the country.” That review follows “a joint investigation

by The Washington Post and 60 Minutes” which found “that the federal Drug Enforcement Administration was essentially handcuffed by the law pushed by Rep. Tom Marino,” President Trump’s nominee to oversee national drug policy who has withdrawn his name from consideration in the wake of the investigation. Also reporting on the calls for review and repeal of the law are the Los Angeles Times (10/17, Bennett, Bierman, 4.49M), the Washington Times (10/17, Noble, 541K), and The Hill (10/17, Roubein, 1.68M).

Investigation Of Alleged Fentanyl Shipping Operation Leads To Multiple Indictments.

The Oregonian (10/17, Bernstein, 878K) reports 38-year-old Jian Zhang has been “accused of shipping fentanyl from China into the United States, deliveries that resulted in multiple drug overdoses across the country, including four in Oregon in 2015.” Along with Zhang, 20 other “people from China, Canada and the United States have been indicted” in connection with an alleged drug trafficking scheme that has been dubbed “Operation Denial.” Members of the Portland High Intensity Drug Trafficking Interdiction Task Force have worked on the effort to bust the operation. The Oregonian mentions that DHS was involved in the investigation. The task force is not mentioned by NBC Nightly News (10/17, story 5, 1:40, Holt, 16.61M), the St. Louis Post-Dispatch (10/17, 831K), and the NPR (10/17, Lucas, 2.4M) website, which also highlight the indictment of Zhang and Xiaobing Yan, who are both Chinese nationals. NPR also mentions that HSI was involved in the investigation. NPR quotes Deputy Attorney General Rod Rosenstein as saying, “For the first time, we have indicted major Chinese fentanyl traffickers who have been using the Internet to sell fentanyl and fentanyl analogues to drug traffickers and individual customers in the United States.”

Opioid Crisis Causing Increase In Hepatitis C Cases. The Washington Post (10/17, Zezima, 10.38M) reports that “the rampant spread of hepatitis C” is another consequence of the national opioid crisis. The article reports that new cases of the disease “have nearly tripled nationwide in just a few years, driven largely by the use of needles among drug users in their 20s and 30s.”

Hospitals Move Forward On Opioid Response Strategies Despite Lack Of Federal Funding.

Ahead of President Trump’s expected announcement declaring the opioid epidemic a national emergency, Modern Healthcare (10/17, Johnson, Subscription Publication, 238K) reports on the need for federal funding to address the issue, and how hospitals and health systems “say they’re moving forward on strategies they have developed to respond to the crisis” even without that funding. One example cited in the article is Linden Oaks Behavioral Health, “a mental health and substance abuse treatment provider affiliated with Edward-Elmhurst Health system in the Chicago suburbs.” According to Modern Healthcare, “Linden Oaks has deployed continuing education for clinicians to improve their prescribing habits,” and “has also altered its electronic medical record system to automatically prescribe naloxone when patients are over a certain high-dose threshold on their opioid prescriptions. Clinicians can also look up information from the state’s prescription drug-monitoring program within the EHR itself rather than having to go to an outside system.”

PhRMA Calls For Repeal Of Law Limiting DEA’s Opioid-Response Capabilities.

The Hill (10/17, Delk, 1.68M) reports in its “Briefing Room” blog that the Pharmaceutical Research and Manufacturers of America (PhRMA) called Tuesday for the repeal of the Ensuring Patient Access and Effective Drug Enforcement Act of 2016, which “has come under renewed scrutiny after a new joint report from the Washington Post and ‘60 Minutes’ that pointed to the law as undercutting the Drug Enforcement Administration’s ability to crackdown on the flow of the drugs into the market.” In addition, PhRMA “urged Congress to reconsider the penalties for DEA-registered drug distributors who fail to ensure the safety of opioid distribution by reporting suspicious purchases of the drugs.”

Healthcare Providers Seek Alternative Pain Treatments In Response To Opioid Epidemic.

U.S. News & World Report (10/17, 1.73M) reports healthcare providers are responding to the nation’s opioid epidemic, and the related rise in drug overdose deaths, by “aggressively turning to new approaches” for treating patients with chronic pain. “Emerging

trends focus on improving physical and emotional health and counseling patients to realize their own role in relieving their pain, says Bhiken Naik, an anesthesiology and neurosurgery professor at the University of Virginia Health System,” and the article notes that “Centers for Disease Control and Prevention guidelines published in 2016 recommend that physicians turn to cognitive behavioral therapy, exercise and patient education,” along with alternative medications, before resorting to opioids. In line with that “growing focus on the possibility of a psychological component to pain that needs attention,” the University of Virginia and the University of Pittsburgh Medical Center “are both expanding their Enhanced Recovery After Surgery programs to treat surgery pain using as little opioid medication as possible.”

Beaver County Becomes Third In Pennsylvania To Sue Pharmaceutical Companies Over Opioid Crisis.

The AP (10/17) reports that Beaver County has become the third Pennsylvania county “to sue pharmaceutical companies for allegedly contributing to an opioid addiction crisis that has resulted in thousands of overdoses nationally in recent years.” The county’s lawsuit “against 14 drug companies and several doctors the county claims have contributed to 279 overdose deaths there since 2012” was announced on Oct. 16 by attorney Bob Peirce, Jr.

HEALTHCARE NEWS

UnitedHealth Posts Higher Q3 Earnings, Beats Analysts’ Expectations. The AP (10/17, Murphy) reports that on Tuesday, UnitedHealth Group posted a 26-percent increase in third-quarter earnings, beating Wall Street expectations. The largest insurer in the US “also raised its forecast for 2017 again, and signaled that it expects more growth next year.” As a result, the company’s shares “shot up past \$200 to reach another all-time high after markets opened.” Data show UnitedHealth added almost “1 million more customers compared to last year’s quarter, largely due to growth in its Medicare and retirement business.”

The Wall Street Journal (10/17, Prang, Subscription Publication, 6.45M) reports that UnitedHealth said it earned \$2.6 billion, or \$2.66 per share for the third quarter, compared to \$2.1 billion a year ago. The company anticipates total earnings of about \$10 per share for this year. It raised its forecast from \$9.75 to \$9.90 per share from the previous quarter.

Reuters (10/17, Humer) reports that UnitedHealth expects earnings to grow by “13 to 16 percent in 2018 as medical costs remain low, even as it adjusts to new healthcare rules that U.S. President Donald Trump has promised to put in place.” The article says UnitedHealth is considered “the bellwether for the industry,” and its gains on Tuesday also benefited companies “such as Anthem Inc, Aetna Inc, and Cigna Corp.” The piece adds that UnitedHealth has largely exited ACA exchanges, and CEO Dave Wichmann “said the company only had about 30,000 customers receiving subsidies in four states, and that any impact” from Trump’s plans to end subsidy payments “would be ‘extremely small.’”

The Minneapolis Star Tribune (10/17, Snowbeck, 1.27M) reports that UnitedHealth’s shares rose by five percent during trading on Tuesday. The company intends to “continue to focus investments going forward on its fast-growing Optum division for health services, including pharmaceutical benefits management, non-hospital health care and technology,” according to Wichmann.

Bloomberg News (10/16, Tracer, 4.52M) also covers the story.

Columnist Warns Federal Retiree Health Premiums Could Increase Markedly If House Budget Proposal Becomes Law.

Columnist Joe Davidson writes in the Washington Post (10/17, 10.38M) “PowerPost” blog that along “with President Trump’s earlier budget plan, which would slice and dice federal retirement, Capitol Hill and the White House have mounted a multi-front assault on federal worker compensation.” He warns that if the Budget Resolution put forward by the House “becomes law, federal retiree health insurance premiums could rise significantly over time because growth in the government’s subsidy would be limited to the increase in inflation.”

Wisconsin Bill Would Prohibit University Of Wisconsin Employees From Working At Planned Parenthood. The AP (10/17) reports the Wisconsin state Senate's health committee is expected to hold a public hearing on a bill that would prohibit University of Wisconsin employees from "from performing abortions or providing training at facilities where abortions are performed, other than hospitals." The bill "targets an arrangement between Planned Parenthood and UW in which faculty members work part-time at the organization's Madison clinic."

Arkansas Health Care Association Joins Coalition To Support Limits On Payouts For Lawsuits. The Arkansas Democrat Gazette (10/17, Moritz, 319K) reports multiple Arkansas business groups on Monday announced they will join a coalition to raise funding for and support a proposed state constitutional amendment to limit some kinds of payouts in lawsuits. State legislators "voted in the spring to have such rules put before voters as a proposed amendment to the Arkansas Constitution," and the proposal will be decided by constituents in the November 2018 general election. The coalition, Arkansans for Jobs and Justice, is supported by the Arkansas Health Care Association among other groups.

Pennsylvania Regulators Issue More Nursing Home Citations But Understate Incidents' Severity, Experts Say. The Harrisburg (PA) Patriot-News (10/17, Simmons-Ritchie, 553K) says that after investigative reports showed Pennsylvania regulators have neglected "to properly cite and penalize nursing homes for serious failures," the state Department of Health "appears to be taking a tougher line on nursing homes," with the department issuing twice as many immediate jeopardy citations against homes as those over the past three years combined. Advocates for elder care "confirmed that the department appeared to have gotten tougher on bad homes," but some "said... the department was either still understating the severity of nursing home incidents or their inspectors were failing to uncover incidents to begin with."

EMERGENCY RESPONSE AND PANDEMIC PREPAREDNESS

Vulnerable Elderly Increasingly Becoming Victims Of Emergencies, Disasters. CNN (10/17, Nedelman, 33.59M) reports California wildfires and Florida, Texas, and Puerto Rico hurricanes "have put a spotlight on vulnerable seniors – including a number of deaths that authorities have said were preventable." The article discusses the impact of each event on older adults in the affected communities, noting many experts "continue to grapple with how best to protect the elderly, who face difficulties evacuating from disasters, more health issues on average and perhaps even a greater share of the psychological impact." Concerning the deaths of 14 residents of the Florida nursing home at The Rehabilitation Center at Hollywood Hills, the article says the Florida Health Care Association "instructed each facility to prepare seven to 10 days of medication, oxygen and other medical necessities for each resident, according to spokesperson Kristen Knapp."

NUTRITION & OBESITY

Google Maps Pulls Experimental "Calorie Counting" Feature From App After Criticism. The New York Times (10/17, Victor, Subscription Publication, 13.56M) reports Google Maps pulled an experimental "calorie-counting" feature, which showed how many calories someone could burn by walking to a certain destination. Some criticized the feature as being insulting for suggesting that people needed exercise, while others said the feature was dangerous for people with eating disorders.

MEDICARE

Expanded Medicare Enrollment Options Give Seniors More To Sort Out. The Palm Beach (FL) Post (10/17, Elmore, 273K) reports, "Hundreds of Palm Beach County residents are calling advisors daily for help to sort out expanded options" for Medicare. "We definitely have more interest this year than last year," said Desirae Mearns, lead project director for Serving Health Insurance Needs of Elders (SHINE),

adding that seniors in Palm Beach County have 46 plan options in 2018 compared to 43 last year.

Opinion: CMS Proposal To Exempt Rural Physicians From MIPS Will Do More Harm Than Good.

Caravan Health CEO Lynn Barr writes in an op-ed for The Hill (10/17, 1.68M) that the Centers for Medicare and Medicaid Services' "proposed rule to exempt two-thirds of the nation's clinicians from the Medicare Incentive Payment System (MIPS) will do more harm than good" and furthermore would "disable the infrastructure of electronic health records (EHRs) that has been subsidized with \$37 billion taxpayer dollars." Rural clinicians are exempt from quality reporting and "have provided lower quality care," Barr writes, adding that CMS' proposal to exclude reporting for pneumococcal and influenza vaccines – two particularly "important quality measures" – is shortsighted. "Our data clearly shows that more vaccines means fewer patients going to the hospital and fewer pneumonia-related deaths," particularly for seniors.

MEDICAID & CHIP

"Bickering" Over CHIP, Community Health Centers Reportedly Harming Nation's Healthcare.

Paige Winfield Cunningham writes in the Washington Post (10/17, 10.38M) "The Health 202" about the ongoing discussions between Democrats and Republicans over how to pay "for states to keep running the Children's Health Insurance Program and for community health centers to care for low-income people," and for how long to extend the funding. Cunningham is critical of lawmakers for their "bickering," arguing that "if Congress were serious about funding the two programs without causing crippling uncertainty for states and providers, it could have tackled the issue months ago." She also criticizes President Trump for "signing an executive order that many health-care experts warned could destabilize the marketplace even further by allowing individuals and small-business employees to buy narrower coverage through trade associations."

Arkansas Governor Says Insurance Rate Hikes Will Not Threaten State Medicaid Expansion.

The AP (10/17, DeMillo) reports Arkansas Gov. Asa Hutchinson

(R) said Tuesday that the 14.2 percent to 25 percent insurance rate hike approved by state regulators after President Trump ended cost-sharing reduction payments will not imperil the state's hybrid Medicaid expansion. "Under Arkansas' hybrid expansion program, Medicaid funds are used to purchase private plans for low-income residents through the insurance marketplace," the AP explains. State Democrats, however, "accused Hutchinson of glossing over the effect Trump's action will have."

Michigan Democrats Say Proposed Medicaid Cuts "Devastating" For Vulnerable People.

MLive (MI) (10/17, Slagter, 947K) reports on a panel of Democratic state and local officials that convened to discuss "the best way to push back against the president's proposed \$700 billion cut to Medicaid funding in 2018." The group said the proposed Medicaid cuts would be "devastating" to senior citizens and people with disabilities and that opponents should emphasize the personal impact of the reductions.

HEALTH & MEDICAL NEWS

Pharmaceutical Companies Deny Responsibility For Drug Pricing At Senate Hearing.

Bloomberg News (10/17, Edney, 4.52M) reports leading drug industry lobbyists at a Senate Health, Education, Labor, and Pensions hearing alleged pharmacy benefit managers (PBMs), hospitals, and other groups are to blame for prescription medication prices. Groups testifying, including the Pharmaceutical Research and Manufacturers of America (PhRMA), continued to "say that the measures used to assess them are incorrect, and that they only get a portion of the profit their critics say they do." PBMs at the meeting, however, "pointed the finger back at pharmaceutical companies, and said the cut they take as middlemen has no connection to how drugmakers set prices."

The Washington Examiner (10/17, King, 465K) reports the Pharmaceutical Care Management Association, which represents PBMs, refuted PhRMA's claims that PBMs and insurers focus "on list prices, which are not reflective of actual spending trends." The article notes Congress has passed bills intended to speed up generic approval at the FDA, and that Sen. Al Franken (D-MN) at the hearing questioned

why drug prices are so high and “pointed out that taxpayers pay for research at the National Institutes of Health, and U.S. customers pay higher prices for the finished product.”

Senator Questions Pharmaceutical Industry About Doing Away With Rebates. STAT (10/17, Swetlitz, 43K) reports that Sen. Lamar Alexander (R-TN) “asked a panel of pharmaceutical industry representatives at a Senate committee hearing” about whether drugmakers and pharmacy benefit managers would be willing to do away with rebates. “Why don’t we just get rid of rebates and let you negotiate directly with manufactures, take that \$100 billion a year, and just reduce the list price? Wouldn’t it be simpler for us to understand where the money goes?” Alexander asked Mark Merritt, president and chief executive officer of the Pharmaceutical Care Management Association. Industry representatives said they would be willing to consider the proposal, although they expressed doubt about the feasibility of enacting such a reform.

Families Of Deceased Troops Allege Pharmaceutical Companies “Knowingly Financed” Anti-American Militia In Iraq. USA Today (10/17, Madhani, 8.62M) reports a group of families of “dozens of U.S. troops killed or injured” during the Iraq war filed a federal lawsuit on Tuesday “against several U.S. and European pharmaceutical and medical supply companies, alleging that the corporations knowingly financed the anti-American militia Mahdi Army through bribes and kickbacks to officials at a government ministry controlled by the group.” The lawsuit names “some of the biggest names in the industry – including GE Healthcare, Johnson & Johnson, Pfizer, AstraZeneca and Roche,” and alleges they often paid kickbacks to officials in the Iraqi Ministry of Health, who “in turn used the proceeds to help fund the militia that carried out attacks against U.S. troops in Iraq.”

Massachusetts Senate Considers Bill To Require Data Submissions From Drug Companies. The Boston Globe (10/17, McCluskey, 969K) reports Massachusetts Senate legislators on Tuesday revealed “sweeping health care legislation” addressing issues such as prescription treatment costs and hospital prices, which “proponents say will improve the state’s

health care system and curb medical spending.” The new bill would mandate that “drug companies for the first time to submit data to the state Health Policy Commission and be scrutinized by the watchdog agency,” and “sets a target for controlling commercial spending on hospital care by slowing the rate of price growth at the most expensive hospitals.”

Appeals Court Vacates Verdict In Talcum Powder Cancer Case.

Bloomberg News (10/17, Fisk, 4.52M) reports a Missouri appeals court has vacated the \$72 million verdict in Fox v. Johnson & Johnson, ruling the case shouldn’t have been tried in St. Louis. “The verdict to the family of Jacqueline Fox, who died in 2015, was the first of a series of jury awards in the St. Louis court,” where juries “have awarded a total of \$300 million in verdicts” related to claims that Johnson & Johnson’s talc products cause ovarian cancer. According to the AP (10/17, Stafford), “the appeals court cited a Supreme Court ruling in June that placed limits on where injury lawsuits could be filed, saying state courts cannot hear claims against companies not based in the state where alleged injuries occurred.” In response, “Jim Onder, who is representing many plaintiffs in the lawsuits, has argued that Missouri is a proper jurisdiction because Johnson & Johnson packages and labels some products in Missouri.” Also reporting are Reuters (10/17, Raymond), the St. Louis Post-Dispatch (10/17, Currier, 831K), and Fierce Pharma (10/17, Sagonowsky).

Gene Tumor Boards Increasingly Providing Guidance On Cancer Care.

The AP (10/18, Marchione) reports that patients with cancer are increasingly “having their care guided by gene tumor boards,” panels of experts that study “the patient’s cancer genes and match treatments to mutations that seem to drive the disease.” The gene tumor boards aim for “precision medicine, the right drug for the right person at the right time, guided by genes.” The AP adds that “Some doctors worry that tumor boards’ recommending off-label treatments diverts patients from research that would benefit all cancer patients,” and mentions that the “American Society of Clinical Oncology’s TAPUR study tests off-label drugs and shares results with their makers and federal regulators.”

Mouse Study Finds Link Between Stress And Digestion In Female Mice.

The New York Post (10/17, Steussy, 4.31M) reports new research published in Nature's Scientific Reports suggests stress may have the same effect on human digestion as a fattening diet. Researchers at Brigham Young University conducted the mouse study, which looked at the mice's gut microbiota; they found that the gut microbiome of female mice subjected to stress tests "actually changed to resemble that of an obese mouse," which "suggests that stress might impact metabolism just as much as diet, the researchers wrote." Male rats, however, "didn't have the same microbiome shift, but they did become more anxious and less physically active."

New Hampshire Gov. Removes Member From Cancer Cluster Panel.

The AP (10/17) reports New Hampshire Gov. Chris Sununu said Tuesday he's removed Steve Kenda, a past Republican candidate for state Senate and governor, from the Seacoast Cancer Cluster Commission over an op-ed piece written by Kenda denying the existence of a cancer cluster. According to the AP, Sununu "said Kenda's participation has become too much of a distraction" from the purpose of the 21-member commission, which has for several years "been investigating a greater-than-expected number of cases of two types of rare childhood cancers in the seacoast region: rhabdomyosarcoma and pleuropulmonary blastoma."

Scientific American Editors Voice Support For Cosmetics Safety Bill.

In an article for the November 2017 issue, the editors of Scientific American (10/17, 878K) express support for the Personal Care Products Safety Act, which Sens. Dianne Feinstein and Susan Collins reintroduced in Congress last May. "The bill would require, among other things, that all cosmetics makers pay annual fees to the agency to help finance new safety studies and enforcement – totaling approximately \$20 million a year," which the FDA would use to "assess the safety of at least five cosmetics chemicals a year." The legislation "also gives the agency the authority to pull products off the shelves immediately when customers have reported bad reactions, without waiting for a review that can take multiple years." The editors highlight the importance of the bill, and the issues it addresses,

in light of a petition filed earlier this year that called on the FDA to ban lead acetate from hair dyes.

Transenterix CEO Says Senhance Won't Compete Directly With Intuitive Surgical's Da Vinci.

Reuters (10/17, Banerjee) reports Transenterix CEO Todd Pope on Tuesday "played down...the threat posed by his company's surgical robotic system," called Senhance, "to market leader Intuitive Surgical Inc, saying he did not expect the two to compete head on." Transenterix's share price surged – and Intuitive Surgical's fell – at the end of last week after the US Food and Drug Administration cleared Senhance for use, but "Pope said Senhance had a lot of ground to cover before it might have to compete directly with Intuitive's Da Vinci device, which has dominated robotic surgery purchasing since it was approved in 2000."

Johnson & Johnson's Animas Closure, Cessation Of Insulin Production Are Reflective Of Broader Healthcare Issues.

The Los Angeles Times (10/17, Lazarus, 4.49M) discusses the recent announcement from Johnson & Johnson saying the company is closing its Animas subsidiary and ceasing its production of insulin pumps, which creates new challenges from J&J customers that the Times says "mirror problems all too common in the healthcare industry – the turmoil that can arise when a medical-device or drugmaker halts sales, or when an insurer decides to no longer cover a specific pill, gadget or treatment." The article examines how such problems can affect healthcare customers and offers insight on how to proceed.

DC Council Disapproves Of Extending Contract To Manage City's Only Public Hospital.

The Washington Post (10/17, Itkowitz, 10.38M) reports six members of the Washington, DC council "expressed disapproval" of the request by Veritas of Washington LLC to renew its \$4.2 million consulting contract to manage the United Medical Center, which is "the city's only public hospital." The firm was hired last year "to stabilize the only full-service hospital east of the Anacostia River," but has shown "little progress in improving the hospital's finances or quality of care." The Post adds the company is "led by campaign donors to D.C. Mayor Muriel E. Bowser (D)." Because of the disapproval, the

council will have 45 days instead of 10 to review the contract.

People With Adverse Childhood Events Found More Likely To Suffer Health Problems As Adults.

The Denver Post (10/17, Baumann, 817K) reports on a study from the Colorado Department of Human Services and the University of Denver finding that “children who grow up in a dysfunctional or abusive home are more likely to develop depression and cancer as adults, and they’re more likely to one day have children with health issues as well.” The study was based on a survey of 3,677 Colorado residents 18 and over, and “measured adverse childhood experiences, which are events that range from physical, sexual or emotional abuse and different types of household dysfunctions such as family member incarceration.” Overall, those who reported one such incident “were twice as likely to be diagnosed with depression, and those with four or more incidents were nearly twice as likely to suffer from cancer and almost six times more likely to experience depression.” Their children also “were two to five times as likely to be diagnosed with Attention Deficit Disorder.”

Second TB Case Reported In Durham County, North Carolina.

The Durham (NC) Herald Sun (10/17, Johnson, 66K) reports on a second tuberculosis case in Durham County, North Carolina, explaining that “a student at Northern High School is being treated,” as is a student at UNC Chapel Hill. Both “are being treated at home and will remain off campus until the threat of spreading the disease is over.” The county health department will conduct “TB blood tests on people who were exposed at Northern.” The Herald Sun adds, “Durham County reported 11 cases of active tuberculosis in 2016.”

VA Facility In Omaha Maintained Secret Waiting List Of Veterans Seeking Mental Health Appointments.

The AP (10/17) reports the Department of Veterans Affairs’ Nebraska-Western Iowa Health Care System “maintained an unauthorized, secret waiting list of veterans for some Omaha mental health appointments, according to US Department of Veterans Affairs documents.” The article points out that “the VA set up strict requirements for establishing waiting lists following a 2014 scandal that showed VA employees were covering up

chronic delays with false paperwork and secret lists,” and that the facility in Omaha was not on a list of 40 facilities that reportedly still had secret lists in 2016. VA officials declined to comment on how many employees were involved in maintaining the list or how many veterans were affected.

Hepatitis A Deaths Now Up To 19 In San Diego County.

The San Diego Union-Tribune (10/17, Sisson, 668K) reports there have now been 19 deaths and 507 confirmed cases in the ongoing hepatitis A outbreak in San Diego County, CA. Dr. Wilma Wooten, the county’s public health officer, said that the county is also investigating another 47 potential cases.

Researchers Trying To Identify Early Signs Of Brain Damage In Professional Fighters.

STAT (10/17, Robbins, 43K) reports researchers have found that “active fighters,” boxers and mixed martial arts fighters, have “higher levels of two brain proteins, called neurofilament light and tau, compared to retired fighters or non-fighters,” and that “fighters with greater exposure to repetitive head trauma have lower brain volumes.” The findings are part of an ongoing study, and “researchers have enrolled close to 700 mixed martial arts fighters and boxers, both active and retired, in the past six years.” The investigators are seeking “to identify early signs of trauma-induced brain damage from subtle changes in blood chemistry, brain imaging, and performance tests,” which “may show up decades before visible symptoms such as cognitive impairment, depression, and impulsive behavior.”

US District Judge Orders Flint To Pick A Long-Term Water Source.

The Detroit Free Press (10/17, Matheny, 1.07M) reports US District Judge David M. Lawson issued a summary judgment ordering Flint to select a long-term water source. The ruling “comes after Flint’s City Council has balked for months at entering into a long-term deal for water supplies from the city of Detroit via the regional Great Lakes Water Authority.”

Researchers Identify Four Genes In Humans, Dogs, And Mice That May Be Linked To OCD.

The NPR (10/17, Chen, 2.4M) “Shots” blog reports that researchers

identified “four genes with the strongest links to OCD to date.” The researchers compared the DNA of dogs and mice with compulsive tendencies to the DNA of people with and without OCD. The findings were published online Oct. 17 in Nature Communications.

Newsweek (10/17, Firger, 991K) reports that the study “may help scientists develop more precise and effective treatments for the psychiatric condition.”

Excessive Exercise May Be Linked To Higher Risk Of Buildup Of Plaque In Heart Arteries By Middle Age In Caucasian Men, Study Suggests.

The New York Daily News (10/17, Scotti, 3.61M) reports that research suggests “Caucasian men who exercise three times above the US national guidelines for working out (150 minutes per week) are 86% more likely than black men, and those who exercise less, to develop a buildup of plaque in their hearts by the time they’re middle aged.”

The New York Post (10/17, 4.31M) runs a SWNS article reporting that investigators “compared 25-year exercise patterns and made the surprising discovery that very active white men are 86 percent more likely to experience a buildup of plaque in the heart arteries by middle age.” However, “this didn’t apply to black men, they discovered.” The findings were published in Mayo Clinic Proceedings.

NAFLD, Nonalcoholic Steatohepatitis The Fastest-Growing Reasons For Liver Transplants In Young Americans, Research Indicates.

Reuters (10/17, Crist) reports that research indicates “nonalcoholic fatty liver disease [NAFLD] and its more aggressive form, nonalcoholic steatohepatitis, have become the fastest-growing reasons for liver transplants in young Americans.” Investigators found that “the number of liver transplants performed for NASH increased from 0.53% in 2002 to 4.46% in 2012, a nine-fold jump.” Reuters adds that “due to increasing childhood obesity, hypertension and diabetes...more young adults are reaching end-stage liver disease early in life, researchers say.” The findings were published online in Journal of Clinical Gastroenterology.

Impax Laboratories Inks Deal To Merge With Amneal Pharmaceuticals.

The Wall Street Journal (10/17, Rockoff, Cimilluca, Subscription Publication, 6.45M) reports Impax Laboratories and Amneal Pharmaceuticals recently agreed to merge in a deal that would establish the US’ fifth-largest generic medication producing company in terms of revenue. They said on Tuesday that the all-stock transaction would grant Impax shareholders 25 percent of a new company, while owners of Amneal would take the remainder. The new group will be called Amneal Pharmaceuticals and is expected to be worth as much as \$6.4 billion.

Reuters (10/17) reports Cantor Fitzgerald analysts wrote in a client note on the deal that the merger increases chances for Impax to grow from a mid-size drug maker to a leading generics and specialty medication company. The article says the combined company will produce “a diverse pipeline with more than 300 products either filed with the FDA or in active stages of development, Cantor analysts said.”

The San Francisco Business Times (10/17, Leuty, Subscription Publication, 904K) reports Impax ran “into a string of issues in recent years” while attempting to diversify beyond generic treatments, with FDA inspections exposing “problems a couple years ago” at a California facility.

The Philadelphia Inquirer (10/17, Loyd, 1.71M) and Fierce Pharma (10/17, Helfand) also report.

Column: Allergan Restasis Case Exemplifies How Companies Manipulate Patent System.

Bloomberg View (10/17, 4.52M) columnist Joe Nocera offers commentary on Allergan’s attempts to transfer its Restasis patents to the Saint Regis Mohawk Tribe -- “a now-infamous patent ploy” – positing that the legal maneuvering represents “trickery” undertaken by many companies in the industry “to keep generics off the market.” According to Nocera, the “primary way” branded drug makers prevent generic competition “is by abusing the patent system.” He adds that a federal judge who ruled the Allergan patents are invalid simply “called Allergan out on” its “scam.” Nocera mentions Allergan issued a number of “citizen’s petitions” to the FDA and sued compounding company Imprimis on allegations that it violated FDA regulations.

Troy University Researchers Developing Anti-Depressants Through Zebrafish Studies. The New York Daily News (10/17, Scotti, 3.61M) reports researchers at Troy University in Alabama are using zebrafish to develop anti-depressant treatments for humans because fish reportedly are “a reliable animal to use in identifying depression.” According to one university researcher, the “neurochemistry (between fish and people) is so similar that it’s scary.” The National Institute of Mental Health estimates that nearly “16 million people had at least one major depressive episode in 2012.”

District Judge Invalidates Allergan’s Restasis Patents. Reuters (10/17, Wolfe) reports US district judge William Bryson on Monday ruled against Allergan’s patents for its dry-eye treatment Restasis, which the company transferred to New York state’s Saint Regis Mohawk Tribe last month on claims that the tribe’s status as a sovereign nation would prevent the patents from being reviewed by the US patent office. Bryson invalidated the patents for the \$1.5 billion treatment, calling it an attempt by Allergan to “rent” the tribe’s sovereign immunity. Allergan, however, said the move was justified because the same patents were already under review in federal court, while critics “said it was a cynical attempt to prolong the company’s monopoly on Restasis.”

District Judge Refuses Pharmaceutical Companies’ Request To Block Nevada Drug Pricing Law. The Las Vegas Review-Journal (10/17, Bekker, 458K) reports that on Tuesday, US District Judge James Mahan refused a request by the Pharmaceutical Research and Manufacturers of America and the Biotechnology Innovation Organization “to immediately block a Nevada law requiring them to detail diabetes drug prices and disclose manufacturing costs and research investments come July.” Mahan said he did not find “immediate and irreparable harm” in the case because of the law’s timeline. The companies allege in the lawsuit that the law violates federal patent and industry trade secret rules.

Experts Consider Whether Ignyta Pharmaceuticals’ Cancer Treatment Can Be Compared To Pfizer’s. Forbes

(10/17, 5.11M) contributor Matthew Herper considers Ignyta Pharmaceuticals’ cancer treatment entrectinib that shrank one patient’s tumors and “has kept them in check for more than a year,” and, according to research presented at the World Conference on Lung Cancer, “shrank tumors in 79% of patients and kept working for a median 28.6 months, about 10 months longer than the current drug, Pfizer’s Xalkori, did in separate clinical trials.” Herper writes that nonetheless, the study “raises questions about whether it’s possible to compare similar cancer medicines, and whether it’s possible to keep innovating after a few gene-targeted drugs have been invented.”

Study Reveals Association Between Depression, Sagging Testosterone Levels In New Fathers. In “Well,” the New York Times (10/17, Quenqua, Subscription Publication, 13.56M) reports research indicates that postpartum depression “may occur in from 7 percent to 10 percent of new fathers, compared to about 12 percent of new mothers, and that depressed dads were more likely to spank their children and less likely to read to them.” Now, research published in the September issue of the journal *Hormones and Behavior* “has found a link between depression and sagging testosterone levels in new dads, adding physiological weight to the argument that postpartum depression isn’t just for women anymore.” In addition, the study revealed that “while high testosterone levels in new dads helped protect against depression in fathers, it correlated with an increased risk of depression in new moms.” The study abstract points out some 149 couples took part in the study.

Men Who Receive Blood Donated By Previously Pregnant Women May Face Increased Risk Of Death Following The Transfusion, Study Indicates. STAT (10/17, Begley, 43K) reports, “Men who received a blood transfusion from a woman who had ever been pregnant had a higher risk of dying prematurely than men who got blood from a man or a never-pregnant woman,” researchers reported.

HealthDay (10/17, Thompson, 11K) reports researchers arrived at that conclusion after examining data on some 31,000 patients in Holland who “received 59,320 transfusions in all

from one of three types of donors – men, never-pregnant women and women who'd been pregnant." Notably, "after receiving a single transfusion, the three-year death rate among men was 13.5 percent for those who received male blood, 13.1 percent for those who got never-pregnant female blood, and nearly 17 percent for those who received blood from a previously pregnant female." The findings were published in the Journal of the American Medical Association.

Reuters (10/17, Rapaport) and Scientific American (10/17, Weintraub, 878K) also cover the story.

Physician Warns Of Dangers Of Online Companies Selling Designer Substances.

In STAT (10/17, 43K) "First Opinion," Abraham Nussbaum, MD, chief education officer at Denver Health, an associate professor of psychiatry at the University of Colorado School of Medicine, writes about the dangers of online companies "selling compounds that have never been approved for human use but that are so similar to existing drugs they attract users...seeking an alternative to" physicians and dealers. Ostensibly these "designer" substances are sold for the purposes of "research." Dr. Nussbaum believes such companies "sideline the doctor, the pharmaceutical industry, and its regulators from the patient-physician relationship" and pose a danger to people buying substances from them.

Oversized Eyedrops Waste Patient's Money And Medicine By Design.

NPR (10/18, Allen, 2.4M) reports on its "Shots" page that ProPublica has found that pharmaceutical companies make eyedrops that overflow your eyes by design. The article says that for at least twenty-five years, those in the "eye care industry," including doctors, pharmaceutical officials, and researchers, have known "that eyedrops are much larger than the eye can hold." The article tells the story of a project in the early 1990s as Alcon where the team created a "microdrop" that would reduce waste but still maintain effectiveness. The product was "killed" because of the cost of getting FDA approval and the risk that it would lead to decreased sales. NPR also reports of similar research on the efficacy of smaller eyedrops that was funded by Allergan, yet Allergan does not make eyedrops in smaller sizes to date.

More Hospitals Investing In Housing And Support For Homeless To Reduce ER Visits.

Kaiser Health News (10/18, Bartolone) reports on a "growing number of hospitals nationwide" that have "invested in housing programs in recent years, from Florida to Chicago and farther west," with the goal of ending the cycle of emergency room use by homeless people by providing them housing along with a case worker. Rand Corp. researcher Sarah Hunter says, "There's pretty good evidence that it's more cost-effective to provide housing with supports than have these people live on the streets and just cycle in and out of emergency rooms and in-patient stays." The piece reports that the nonprofit hospitals' investment in these programs helps them "meet their community service obligations in exchange for tax breaks."

GLOBAL HEALTH

China Confirms H5N6 Bird Flu Outbreak In Central Province.

Reuters (10/17, Gu, Mason) reports China's Ministry of Agriculture confirmed that there is "an outbreak of bird flu at broiler chicken farms in" the city of Hexian in Anhui province. The outbreak in the central province has been caused by the H5N6 strain.

Op-Ed: Canada Must Push For National Registry Of Payments From Companies To Physicians.

Nav Persaud of Toronto's St. Michael's Hospital and the University of Toronto, Joel Lexchin of Toronto's University Health Network, and Andrew S. Boozary of the University of Toronto and the Harvard Public Health Review write in an op-ed in STAT (10/17, 43K) that Canadian province Ontario "took a historic step" by introducing legislation to increase transparency on how drug companies interact with prescribers in an effort to understand how physicians receive payments from manufacturers. The authors advocate for this on a national scale and suggest the establishment of a registry of payments similar to that which is in place in the US.

NATIONAL NEWS

House Panel Sets Puerto Rico Recovery Hearing For Next Week.

Reuters (10/17, Cowan) reports that a House panel said Tuesday that it has scheduled an Oct. 24 hearing “to examine Puerto Rico’s hurricane recovery efforts and the role of a financial oversight board in those efforts.” The House Committee on Natural Resources, which last year worked on legislation creating the board to help Puerto Rico manage its debt, will hold the hearing.

Puerto Rican Delegate: Trump Has Given Everything We’ve Asked For.

Townhall (10/17, Vespa, 523K) reports Puerto Rico’s delegate, Jenniffer Gonzalez-Colon, said in a recent interview with USA Today “that everything they’ve asked for, Trump has delivered.” Gonzalez-Colon told USA Today, “I will tell you that everything that the president said that he was going to send to the island, it’s getting there. The resources are there. The help is there.”

Desperate Puerto Ricans Turning To Wells At Superfund Site For Water.

NBC Nightly News (10/17, story 11, 1:40, Holt, 16.61M) reported on the “deepening and dangerous water crisis” in Puerto Rico in the aftermath of Hurricane Maria. The EPA says “the desperate are breaking into water wells” at a Superfund site in Dorado “that may actually be contaminated.” NBC’s Gabe Gutierrez reported from the town that “even though there’s a clearly marked danger sign, people were willing to risk it.” He noted that “only 17 percent of the island has power, making it hard to pump and treat water as this crisis deepens.”

Discussing Obama And Slain Soldiers, Trump Cites Death Of Kelly’s Son.

President Trump’s Tuesday remarks – in which he invoked the death of Chief of Staff Kelly’s son while defending his claim one day earlier that former President Barack Obama and other presidents didn’t always call the families of slain military members – received widespread media coverage, including reports on all three major network newscasts. Coverage was largely negative, highlighting that Kelly has been reluctant to publicly speak about his son’s death.

In the lead story for NBC Nightly News (10/17, lead story, 2:25, Holt, 16.61M), Peter Alexander reported that “as the body of one of the American soldiers killed in Niger this month returns home to Florida and the White House confirms President Trump spoke to all four

families of the fallen, the President’s taking another swing at Barack Obama on the gravest of presidential obligations.” NBC played an audio clip of Trump saying in a Tuesday interview with Fox News Radio, “I think I’ve called every family of somebody that’s died, and it’s the hardest call to make. ... As far as other representatives, I don’t know. You could ask General Kelly, did he get a call from Obama?” Alexander added, “The President invoking the memory of his chief of staff’s son, Robert Kelly, a Marine killed in 2010.”

On the CBS Evening News (10/17, story 5, 2:40, Mason, 11.17M), Margaret Brennan reported, “White House officials claim to be unaware of whether Mr. Trump had spoken to Kelly before making the remark. The retired Marine Corps general has actively avoided calling attention to his son’s death, making it clear he does not want it to be exploited.” Brennan added, “Today, despite the President’s prodding, Kelly declined to comment. But a White House official, who requested anonymity, told CBS News, ‘I can tell you Obama did not call General Kelly after the death of his son.’ But White House records show that Kelly and his wife did attend a closed-door breakfast with Mr. And Mrs. Obama to honor Gold Star families a year after their son’s passing.”

On ABC World News Tonight (10/17, story 3, 3:10, 14.63M), David Muir reported that “Kelly has indicated to the past in reporters that he did not want to talk publicly about the death of his son.” ABC’s Cecilia Vega added that “Kelly has repeatedly made it clear to reporters he does not want to talk about his son’s death. And he would not go on the record today. But the White House tells us he never got a call from...Obama. Obama aides do not dispute that. But they do say Kelly did attend a White House breakfast for Gold Star families, where he sat at the first lady’s table.”

The Washington Post (10/17, Parker, 10.38M) reports, “For the past seven years...Kelly has gone out of his way to keep the death of his son free from politics.” However, Trump on Tuesday “thrust [Kelly’s] son into the public and political glare, invoking the younger Kelly as part of a continuing attack on...Obama.” The President’s “remark...was unplanned, said two White House officials, who said they were caught off-guard by Trump’s comments. One said Kelly may have mentioned some details surrounding his son’s death to the president in private — and the president then repeated them in public, a relatively frequent occurrence with Trump.”

Similarly, under the headline “Top General’s Grief Becomes Political Talking Point For Trump,” the New York Times (10/17, Landler, Subscription Publication, 13.56M) reports that Trump “is testing” Kelly’s “long-held reluctance to discuss his loss. Mr. Trump, in defending his handling of the deaths of four Green Berets in Niger, falsely claimed on Monday that...Obama did not contact the families of fallen troops. And on Tuesday, Mr. Trump brought to light that Mr. Obama never called Mr. Kelly after the death of his son.” The Times adds that Kelly “has not addressed the dispute. But colleagues who worked with him at the Pentagon during that period said they did not recall him expressing unhappiness with the way Mr. Obama handled the death of his son.”

Writing for McClatchy (10/17, 67K), Kate Irby says that “Kelly had to endure every parent’s worst nightmare when his son...stepped on a land mine in Afghanistan in 2010 and died. Now...Trump is calling into question whether...Obama ever called Kelly after that happened – dragging Kelly into a spat Trump started between the two presidents over whether Obama called the families of fallen soldiers.”

The AP (10/17, Woodward, Lemire) similarly reports that Trump “has pulled bereaved military families into a painful political fight of his own making, going so far Tuesday as to cite the death of” Kelly’s “son in Afghanistan to question whether...Obama and other presidents did enough to honor the military dead. He’s boasted that ‘I think I’ve called every family of someone who’s died,’ though AP found relatives of two soldiers who died overseas during Trump’s presidency who said they never received a call or a letter from him. The White House said he did telephone on Tuesday the families of four soldiers who were killed in Niger nearly two weeks ago, the issue that had spawned the controversy this week.”

Under the headline “After Trump Brings Chief Of Staff Into Controversy Over Condolence Calls, He Phones Families Of Killed Soldiers,” the Los Angeles Times (10/17, Bierman, 4.49M) quotes White House Press Secretary Sarah Sanders as saying in a Tuesday statement, “President Trump spoke to all four of the families of those who were killed in action in Niger. He offered condolences on behalf of a grateful nation and assured them their family’s extraordinary sacrifice to the country will never be forgotten.”

Under the headline “Twelve Days Of Silence, Then A Swipe At Obama: How Trump Handled

Four Dead Soldiers,” the Washington Post (10/17, Rucker, Lamothe, 10.38M) reports, “The White House did not receive detailed information from the Defense Department about the four...soldiers” – slain Oct. 4 in Niger – “until Oct. 12, and that information was not fully verified by the White House Military Office until Monday, according to a senior White House official who spoke on the condition of anonymity to comment on the internal process. At that point, the official said, Trump was cleared to reach out to the four families – both in letters that were mailed Tuesday and in personal phone calls to family members that day.”

Politico (10/17, McCaskill, 3.6M) reported that Trump “has faced an onslaught of criticism – most notably from former Obama aides – since making the accusation against Obama on Monday afternoon in a Rose Garden news conference when asked about his silence regarding the death of four Green Berets related to an Oct. 4 ambush in Niger. ‘The traditional way, if you look at President Obama and other presidents, most of them didn’t make calls,’ Trump “alleged without evidence Monday. ‘A lot of them didn’t make calls. I like to call when it’s appropriate, when I think I’m able to do it.’” The Hill (10/17, Greenwood, 1.68M) and the Daily Caller (10/17, Pfeiffer, 521K) also report on Trump’s remarks from Tuesday and Monday.

Regarding his comment that past presidents did not call fallen soldiers’ kin, Trump on Tuesday called the story “fake news,” telling Fox News (10/17, 12.87M), “I don’t know what Obama’s policy was. I write letters and I also call.” Trump touted the support he said he was receiving in the polls in spite of negative media coverage.

During a Tuesday appearance on Fox and Friends (10/17, 8:40 a.m. EDT, 2.04M), counselor to the President Kellyanne Conway defended Trump’s comment that previous presidents have not called fallen soldiers’ families, saying that he was “making the point that there’s many different ways to reach out” to the kin, and “not everybody calls.” Conway also said, “The President made very clear...what he meant and what he is saying,” adding that Trump’s “focus is always on the grieving, on the families, on the loss of life, and on protecting our soldiers.”

Responding to Trump’s comment about past presidents calling fallen soldiers’ kin, Sen. Ed Markey (D-MA) told CNN’s Situation Room (10/17, 5:25 p.m. EDT, 988K) that he was with Obama when the then-President was visiting

families of soldiers who lost their lives in Benghazi.

Florida Democrat Criticizes Trump's "Insensitive" Remarks To Widow Of Slain Soldier. The Miami Herald (10/17, Cohen, 701K) reports, "Sgt. La David T. Johnson of Miami Gardens, the soldier and father who was killed in Niger, returned home Tuesday afternoon." He "was saluted with a ceremonial homecoming at Miami International Airport." The Herald adds that Trump "called Johnson's pregnant widow Tuesday afternoon." The President "told his widow, who was in a car heading to the airport with her family and US Rep. Frederica Wilson, D-Miami Gardens, that 'he knew what he signed up for...but when it happens it hurts anyway,' according to Wilson, who heard the call on speakerphone in the car." Wilson told the Herald, "I think it's so insensitive. It's crazy. ... You don't say that to someone who lost family, the father, the breadwinner. You can say, 'I'm so sorry for your loss. He's a hero.'"

WPost's Von Drehle Questions Trump's Patriotism. In his Washington Post (10/17, 10.38M) column, David Von Drehle says that Trump's "impulsive attack on his predecessors" relating to the calling of the families of slain soldiers "has raised again a question that has haunted me since his inaugural address. Is Trump patriotic?" Von Drehle adds, "Patriotism doesn't require us to praise what is not praiseworthy. Like any other American, Trump is free to criticize as he sees fit. But when an elected leader disparages, without cause, the good faith of other elected leaders, he is tearing the country down. ... I don't think we've ever been led by a person with such a low opinion of America."

Trump Says He Was "Surprised" By The "Dishonesty In The Media." Politico (10/17, Nelson, 3.6M) reported that during a Tuesday interview with radio host Chris Plante, President Trump said "that he was 'surprised' by what he perceived as the media's continued antipathy towards him after last year's election, characterizing CNN and NBC News 'a joke' and 'a total joke,' respectively." Said Trump, "Actually, dishonesty in the media is one of the things that surprised me the most. I thought after I won, the media would become much more stable and much more honest. They've gone crazy." Trump added, "CNN is a joke. NBC is a total joke. You watch what they report, it bears no relationship to what I'm doing. But the media is absolutely

dishonest and frankly, I've never seen anything quite like it."

In Project Veritas Video, New York Times Editor Rips Trump, Pence. The Washington Times (10/17, Richardson, 541K) reports, "A New York Times senior staff editor called President Trump an 'oblivious idiot' and Vice President Mike Pence 'horrible' and 'worse than Trump' in an undercover video released Tuesday by the watchdog group Project Veritas." The Times says that in the video, "London-based homepage editor Desiree Shoe" rips Trump and Pence "while acknowledging that 'our main stories are supposed to be objective. 'I feel like Trump is a just a sort of an idiot in a lot of ways, just an oblivious idiot,' she" says "in the hidden-camera footage apparently taken at a bar." Shoe added, "If you impeach him, then Pence becomes president, Mike Pence, who's f-ing horrible, I think maybe worse than Trump. I'm speaking off the record." The Times says that Shoe "has worked for the NYT since 2009."

Professor: New York Times' New Social Media Policy "Hide[s] Reporter Biases." The Washington Times (10/17, Richardson, 541K) reports that the New York Times' "new policy on social media may rid the paper of perceived bias, but critics say it leaves unchecked the actual bias permeating" its "reliably liberal pages." Said Cornell Law School professor William A. Jacobson, "I believe in transparency, and The New York Times' new social media guidelines achieve the opposite. The guidelines are designed to hide reporter biases that makes it harder for the public to judge the credibility of reporting. Particularly in an age where we are asked to accept anonymously sourced reporting on the Trump administration, the public should know more about the political biases of those asking us to trust them on sourcing." The New York Times' new "policy prohibits reporters from making social media posts that 'express partisan opinions, promote political views, endorse candidates, make offensive comments or do anything else that undercuts The Times' journalistic reputation."

Trump Warns McCain, "I Fight Back And It Won't Be Pretty." The CBS Evening News (10/17, story 4, 2:40, Mason, 11.17M) reported that after Sen. John McCain "blast[ed] President Trump's ideas with words like 'half-baked' and 'unpatriotic.'" The President on Tuesday "warned McCain to 'be careful.' The

Vietnam war hero shot back, 'I've faced tougher adversaries.'" The AP (10/17, Thomas) reports that in a radio interview, Trump said, "I'm being very, very nice but at some point I fight back and it won't be pretty." The New York Post (10/17, Fredericks, 4.31M) reports that the President also said that McCain's deciding vote against the recent Republican healthcare measure was a "shocker."

USA Today (10/17, Cummings, 8.62M) reports that McCain "did not mention the president by name" in his Monday speech, but Politico (10/17, Nelson, 3.6M) says that the remarks "were widely interpreted as a shot at Trump's political style, a mix of nationalism, populism and conservatism." The AP (10/17, Thomas) reports that McCain said, "To abandon the ideals we have advanced around the globe, to refuse the obligations of international leadership for the sake of some half-baked, spurious nationalism cooked up by people who would rather find scapegoats than solve problems, is as unpatriotic as an attachment to any other tired dogma of the past that Americans consigned to the ash heap of history." On Fox News' Fox & Friends (10/17, 8:38 a.m. EDT, 2.04M), Kellyanne Conway denied McCain's assertion that Trump engenders "half-baked, spurious nationalism." Conway said, "We hope we can rely on Sen. McCain's vote" on a number of issues. Fox News' Special Report (10/17, 2.32M) briefly reported on McCain's Monday night remark and Trump's response on Tuesday.

Biden: Trump's Behavior "Absolutely Bizarre." The AP (10/17) reports that former Vice President Joe Biden, who was presenting a medal to McCain at the National Constitution Center event on Monday, on Tuesday "called Trump's behavior 'absolutely bizarre.'" Biden said, "Violating the norms of personal conduct generates more anxiety and fear than any policy prescription that this president has enunciated. This breaking down of international and national norms is the glue that holds the liberal world order together, and holds together our system."

The Washington Times (10/17, Miller, 541K) reports that Biden and Ohio Gov. John Kasich were appearing together at a Delaware event to promote bipartisanship. The Washington Post (10/17, Kane, 10.38M) looks at the long relationship between Biden and McCain, who "have been on opposite sides of many crucial national security debates over the last 30 years,"

but who now find themselves to be "closely aligned...elder statesmen."

WPost Analysis: Trump Creates, Then Shoots Down Series Of "Political Villains."

Michael Scherer writes in the Washington Post (10/17, 10.38M) that President Trump has a practice of "conjuring and then belittling a political villain with little more than taps on a phone. ... In just the past few weeks, Trump has started, without any clear provocation, fights with football players who kneel during the national anthem, departments stores that declare 'happy holidays' instead of 'Merry Christmas,' and late-night television hosts for their 'unfunny and repetitive material.'" He has also gone after "individual targets" including Senate Minority Leader Schumer, Sen. Bob Corker, Hillary Clinton, Kim Jong-un, ESPN's Jemele Hill, "and a shifting array of reporters, newspapers and networks he labels as the 'fake news.'" Scherer says that Trump has used the tactic "for years – defining himself against a negative space, as a tough truth teller who opposes others."

White House Urges Corker To "Get Out Of The Name-Calling."

Politico (10/17, McCaskill, 3.6M) reports that White House press secretary Sarah Sanders, in a radio interview with Hugh Hewitt, said she was open to speaking with Sen. Bob Corker. Sanders said, "Sadly, Sen. Corker hasn't called me, but if he'd like to visit, I'd be happy to talk to him and certainly see if we could get him back on board and do, frankly, what the people of Tennessee elected him to do. ... Hopefully, he'll get out of the name-calling and get back to work here pretty soon."

White House Denies Trump Joked Pence Wanted To "Hang" Gays.

Politico (10/17, Nussbaum, 3.6M) reports that the White House is denying that President Trump has joked that Vice President Pence "wanted to 'hang' homosexuals as well as other details reported" in a New Yorker profile of Pence. In a statement, White House press secretary Sarah Sanders said, "From start to finish the article relied on fiction rather than facts. ... The suggestion that he would make such outrageous remarks is offensive and untrue." The New Yorker said it "stands by its reporting."

Senate Committee Subpoenas Page, Seeks Information From Flynn's Son.

USA Today (10/17, Kelly, 8.62M) reports that the Senate Intelligence Committee "has issued a subpoena to compel testimony and documents from former Trump campaign adviser Carter Page," according to a congressional aide. Investigators "have raised questions about Page's alleged ties to Russia, which were detailed in a controversial dossier by former British spy Christopher Steele." Reuters (10/17, Hosenball, Layne) reports that the panel has also asked Michael G. Flynn, the son of ex-National Security Adviser Michael Flynn, "to provide documents and testimony."

Mueller's Team Interviews Spicer. Politico (10/17, Karni, Dawsey, 3.6M) reports that special counsel Robert Mueller's team met Monday with former White House press secretary Sean Spicer "for an interview that lasted much of the day." According to people familiar with the meeting, Spicer was asked about President Trump's firing of FBI Director James Comey and Trump's meetings with Russians officials including Foreign Minister Sergei Lavrov.

Mueller Interviewed Cybersecurity Researcher Tait. Business Insider (10/17, 3.83M) reports that Mueller himself has interviewed cybersecurity researcher Matt Tait, "who described being recruited to vet hacked Hillary Clinton emails last year by a GOP operative tied to" the Trump campaign team. The interview took place "several weeks ago."

Kushner Adds Harder To Legal Team. The Washington Examiner (10/17, Correll, 465K) reports that Jared Kushner has added attorney Charles Harder to his legal team. Harder "has represented Hulk Hogan and Melania Trump" and "previously represented Harvey Weinstein but discontinued representing him amid mounting sexual harassment and assault revelations."

Democrats Reportedly Impatient With Pace Of Russia Probes. Bloomberg News (10/17, Dennis, House, 4.52M) reports, "Some Democrats in Congress are growing impatient with how the GOP is handling" the Russia probes. Senate Judiciary Committee Democrats "say they want to see more urgency in that panel's efforts," while House Intelligence Committee ranking member Rep. Adam Schiff (D-CA) "says the Trump administration is trying to pressure Congress into ending its investigations prematurely."

BuzzFeed Offers Some Information On Dossier, But Does Not Reveal Source. The Daily Caller (10/17, Ross, 521K) reports that BuzzFeed News has "provided a few new details about how it obtained the infamous Trump dossier," but it "is still refusing to identify its source" for the document. BuzzFeed reporter Ken Bensinger "revealed that he was granted access to the dossier in December after he became aware of 'intelligence reports alleging that there were connections between the Trump presidential campaign and the Russian government,' according to a declaration filed in federal court Monday in Miami."

FBI Uncovered Russian Bribery Plot Prior To US Approval Of 2010 Uranium Deal. Fox News' Tucker Carlson Tonight (10/17, 2.78M) reported "the FBI has uncovered evidence of a major Russian bribery effort just before the Obama Administration's approval of a deal back in 2010 that gave Russia control over large amounts of American uranium." The Hill (10/17, Solomon, Spann, 1.68M) reports that the FBI "had gathered substantial evidence that Russian nuclear industry officials were engaged in bribery, kickbacks, extortion and money laundering designed to grow Vladimir Putin's atomic energy business" inside the US.

Dan McLaughlin writes in the National Review (10/17, 892K) that this "could be a very big news story, if anyone is willing to follow up on it." Newt Gingrich said on Fox News' Hannity (10/17, 9:25 p.m. EDT, 4.05M) that this story indicates "levels of corruption and dishonesty on a scale that I can't remember in American history."

Obama UN Ambassador Says Unmasking Requests Were Made In Her Name. The Daily Caller (10/17, Ross, 521K) reports that Obama Administration UN Ambassador Samantha Power told the House Intelligence Committee last week that someone inside the Administration's "intelligence apparatus made requests to unmask the identity of Americans named in intelligence reports" in her name. Rep. Trey Gowdy (R-SC) told Fox News, "She would say those requests to unmask may have been attributed to her, but they greatly exceed by an exponential factor the requests she actually made."

Trump Says Fed Chairman Pick Coming Soon, Source Says Early

November. USA Today (10/17, Jackson, 8.62M) reports President Trump said Tuesday he will select the next Federal Reserve Board chairman “over the next fairly short period of time.” Addressing reporters at a joint news conference with Greek Prime Minister Alexis Tsipras, Trump also “all but confirmed” the reported list of five finalists: Former Fed governor Kevin Warsh, Stanford University economist John Taylor, current Fed Governor Jerome Powell, National Economic Council Director Gary Cohn, and current Chair Janet Yellen. He said, “I would say within those five you’ll probably get the answer.”

Reuters (10/17, Holland) reports Trump will likely announce his choice for next Fed chair before his trip to Asia in early November, according to a “source familiar with the situation.” The source “said announcing the choice by the time Trump leaves for Asia on Nov. 3 would give the Senate time for the confirmation process.”

WPost: Yellen Deserves A Second Term. In an editorial, the Washington Post (10/17, 10.38M) writes that President Trump should select Janet Yellen for a second term as Federal Reserve Chairman because of her experience with steadily raising interest rates and with the unwinding of the Fed’s asset purchasing program, her encouragement and defense of safeguards on financial institutions, and her relative flexibility compared with the other candidates. The Post concludes that her selection would signal the preservation of the Federal Reserve’s independence from politicization and “would send a reassuring message of continuity.”

Dow Tops 23,000 For First Time. NBC Nightly News (10/17, story 3, 2:20, Holt, 16.61M) reported the Dow Jones topped 23,000 for the first time on Tuesday before closing just shy of the 23,000 mark. The Dow has grown 16 percent since January 1, and the market altogether has climbed 28 percent since the election of President Trump.

USA Today (10/17, Shell, 8.62M) reports that Wall Street observers say the Dow’s continued rise has been driven by five key factors: rebounding economies around the world, strong US corporate earnings, low borrowing costs, anticipation of tax cuts, and large US companies’ benefiting from a weak dollar and stronger foreign economies.

Trump Calls On Americans To Say “Merry Christmas” During Holidays.

The Washington Times (10/17, Dinan, 541K) reports President Trump said Tuesday that Americans should be comfortable saying “Merry Christmas.” Commenting on stores that don’t use “Merry Christmas” in their displays, Trump said, “I want them to say Merry Christmas everybody, Happy New Year, Happy Holidays, but I want Merry Christmas.”

Trump Drops In Forbes 400 Ranking.

USA Today (10/17, McCoy, 8.62M) reports President Trump dropped in the annual Forbes magazine rankings of the wealthiest Americans after his fortune shrank by \$600 million, to \$3.1 billion – “dropping him from 156th place to 248th place in the 2017 Forbes 400 ranking, the magazine reported Tuesday.” Trump now is tied with Snapchat creator Evan Spiegel in the magazine’s 2017 ranking.

Trump DC Judicial Nominee Addresses Judiciary Committee.

The Washington Post (10/17, Marimow, Sullivan, 10.38M) reports that Gregory G. Katsas – President Trump’s judicial nominee for the US Court of Appeals for the D.C. Circuit and current deputy White House counsel – on Tuesday “told senators considering his nomination that he advised the Trump administration on the travel ban on residents of certain majority Muslim countries, ending protections for young undocumented immigrants and the president’s voter fraud commission.” During a two-hour hearing, Katsas also “sought to assure the Senate Judiciary Committee that he would recuse himself from any cases involving his work as a government lawyer.” The Post observes that Tuesday’s hearing comes as Senate Majority Leader Mitch McConnell “is intensifying efforts to install conservative jurists on the federal bench.”

Pruitt Seeks To Assure Senators Over Biofuels Mandate.

The Hill (10/17, Henry, Cama, 1.68M) reports EPA Administrator Pruitt “sought to reassure” Midwestern lawmakers on Tuesday that he supported the federal biofuels mandate. In a nearly hour-long meeting in Sen. Chuck Grassley’s Senate office that included Sens. Joni Ernst (R-IA), Ben Sasse (R-NE), and Deb Fischer (R-NE), Pruitt “made a political case for the ethanol mandate.” The meeting came amid

concerns from lawmakers in both parties about proposed changes to the Renewable Fuel Standard.

Sessions Creates Watchdog For Asset Forfeiture Program. The Washington Post (10/17, Horwitz, 10.38M) reports Attorney General Sessions is establishing a Justice Department watchdog to oversee the department's asset forfeiture program. In a memo Tuesday, Sessions "directed Deputy Attorney General Rod J. Rosenstein to hire a director to review all aspects of the department's policy and take action if problems arise." Rep. Darrell Issa, who criticized the department last summer when Sessions announced the asset forfeiture program, said Tuesday of the move, "It's nice to see at least some acknowledgment that civil forfeiture is in need of increased oversight, but the changes really don't go far enough and the core problem still remains."

Zinke Booster Now Expresses Concerns About His Public Land Policies. The Washington Post (10/17, Grandoni, 10.38M) reports that Backcountry Hunters & Anglers Executive Director Land Tawney backed fellow Montanan Ryan Zinke's nomination to lead the Interior Department, but is now raising concerns about Zinke's stance on public lands and his "approach to national monuments." Tawney "still has kind words for Zinke, calling him 'a proven leader.'" But "as to the question of whether he still regards him as an ally, Tawney split the difference." He said, "What we've always done is we've applauded [Zinke] for the things that we think he's doing that are beneficial to hunters and anglers, then we've held him accountable on the other end of that."

Chao Silent On Federal Money For Miami's Metrorail. The Miami Herald (10/17, Hanks, 701K) reports that Transportation Secretary Chao on Tuesday "deftly avoided" providing information about federal money for Miami's Metrorail during a press conference at Miami International Airport. Chao said, "Resources are an issue. It's a resource issue for all of us. ... From the whole country's point of view, the needs exceed the resources." Chao "didn't mention the issue" of money for expanding Metrorail but "did say the Trump administration may provide help to Miami-Dade beyond money."

Fox News Poll: Jones, Moore Tied At 42% In Dec. 12 Special Election. On its website, Fox News (10/17, Blanton, 12.87M) reported that a Fox News poll of 801 Alabama voters, taken Oct. 14-16, shows ex-US Attorney Doug Jones (D) and ex-state Supreme Court Justice Roy Moore (R) tied at 42% each in the Dec. 12 special election for the former seat of now-US Attorney General Jeff Sessions. Fox News added "that among just the 53 percent of Alabama registered voters who are extremely or very interested in the race, Jones" leads Moore 46%-45%. Fox News said that President Trump carried "Alabama by 28 points in 2016, yet the Steve Bannon-backed Moore defeated the president's favored candidate, incumbent Luther Strange, in the GOP primary."

The Hill (10/17, Thomsen, 1.68M) reported that the survey "also found that 42 percent of Moore's supporters had some doubts about the candidate, while 48 percent said they strongly support him in the race. Republicans were also less likely to support their nominee than Democrats were to support Jones, with 77 percent of GOP voters saying they'd back Moore. Eighty-five percent of Democrats said the same for Jones. Twenty-eight percent of Jones' backers said they had some reservations about him. But 21 percent of his supporters said they were voting against Moore rather than for Jones."

Rand Paul Backs Moore. The Hill (10/17, Shelbourne, 1.68M) reported that Sen. Rand Paul on Tuesday backed Moore's bid, saying in a statement, "Judge Roy Moore has spent a lifetime defending and standing up for the Constitution while fighting for the people of Alabama. We need more people in Washington, D.C. that will stand on principle and defend the Constitution." Writing for the Washington Examiner (10/17, Bedard, 465K), Paul Bedard described Paul's endorsement of Moore as "a huge show of support." Bedard added that Paul's backing "puts a stamp of approval on Moore's anti-Washington campaign which he rode to victory recently in a primary against Sen. Luther Strange, appointed earlier this year to replace former Sen. Jeff Sessions when he became the Attorney General."

Three Polls Show Virginia Governor's Race "Within The Margin Of Error." Three weeks before next month's election to succeed term-limited Virginia Gov. Terry McAuliffe (D), Politico (10/17, Shepard, 3.6M) reported that

a trio of “new public polls show” the battle between ex-RNC chief Ed Gillespie and Lt. Gov. Ralph Northam (D) “within the margin of error.” A Monmouth University survey of 408 Virginia likely voters, taken Oct. 12-16, shows Gillespie leading Northam 48%-47%, with Libertarian Cliff Hyra at 3% and 3% undecided. Northam led 49%-44% in last month’s poll. Meanwhile, a Christopher Newport University survey of 642 Virginia likely voters, taken Oct. 9-13, shows Northam leading Gillespie 48%-44%, with Hyra at 3% and 5% undecided. Northam led 49%-42% in last week’s poll. And a Roanoke College poll of 607 Virginia likely voters, taken Oct. 8-13, shows Northam leading Gillespie 50%-44%, with Hyra at 2% and 4% undecided. Northam led 47%-43% in last month’s poll. The Hill (10/17, Hagen, 1.68M) reported that the Monmouth survey “is the first public poll that shows Gillespie leading.” The Washington Free Beacon (10/17, Crookston, 158K) also reports on the results of three polls released on Tuesday.

Democrat Northam Has Over Twice As Much Cash On Hand Than Gillespie. The AP (10/17, Suderman) reports that Northam holds “a hefty cash advantage over” Gillespie ahead of next month’s election. Northam collected over “\$7 million in September and had about \$5.7 million in the bank at the end of the month.” Gillespie, meanwhile, raised “\$4.4 million, with \$2.5 million cash on hand for the same period.” Gillespie “enjoyed a cash advantage over Northam after the June primaries but has struggled to match the Democrat’s fundraising prowess in recent months.” The Washington Post (10/17, Nirappil, 10.38M) reports, “Republicans attributed the fundraising lag to a variety of reasons, including donors who were tuned out after the presidential contest and an unfavorable political climate for the GOP in Virginia.”

Two Polls Show Democrat Murphy Up Double Digits In New Jersey Governor’s Race. NJ News (10/17, Brodesser-Akner, 1.21M) reported that a Farleigh Dickinson University PublicMind poll of 658 New Jersey likely voters, taken Oct. 11-15, shows ex-Goldman Sachs executive Phil Murphy (D) leading Lt. Gov. Kim Guadagno (R-NJ) 47%-32% in next month’s election to succeed term-limited Gov. Chris Christie (R-NJ). On its website, Fox News (10/17, Balara, 12.87M) reported that a Fox News poll of 679 New Jersey likely voters, taken

Oct. 14-16, shows Murphy leading Guadagno 47%-33%.

Obama Joining Parade Of Democrats Who’ve Stumped For Murphy. The New York Times (10/17, Corasaniti, Burns, Subscription Publication, 13.56M) reports, “An Obama administration reunion tour is unfolding in New Jersey, as a cavalcade of Democratic luminaries has paraded into the state in recent days, including former Vice President Joseph R. Biden Jr., former Secretary of Labor Thomas E. Perez and former Secretary of State John Kerry, urging voters to” back Murphy’s bid. The Times adds that President Obama is slated to stump with Murphy “on Thursday at a rally in Newark, making his first public foray on the campaign trail in support of a Democratic candidate since leaving office. And Hillary Clinton will be a guest of honor at a closed-door fund-raiser for Mr. Murphy on Sunday in Harrison, N.J., her first campaign event since last year’s election.” Murphy served as ambassador to Germany in the Obama Administration.

Democrats Blast Guadagno Over “Bridgegate.” The AP (10/17) reports that the Murphy camp on Tuesday received “a boost from the mayor whose town was gridlocked in the so-called Bridgegate scandal. Democratic Mayor of Fort Lee Mark Sokolich joined fellow Democrats Rep. Bill Pascrell, state Sen. Loretta Weinberg and Hoboken Mayor Dawn Zimmer Tuesday to attack...Guadagno” on “the same day Murphy unveiled a new 30-second TV spot that says Christie and Guadagno’s biggest triumph ‘was a traffic jam.’ Two former allies of Christie’s were convicted in federal court in the 2013 political payback scheme that saw local access lanes to the George Washington Bridge closed.”

Pence’s Fundraiser Benefiting Collins Draws “About 80” Protesters. The Buffalo (NY) News (10/17, O’Brien, 362K) reports, “About 80 people protested outside a suburban Buffalo restaurant Tuesday as Vice President Pence arrived to raise” cash for Rep. Chris Collins (R-NY), “one of the Trump administration’s staunchest backers in Congress.” The News adds that Collins, “with Pence’s help, expects to raise \$400,000 at [the] event.”

California House Republicans Get Large Financial Boost From PAC’s Fundraiser With Pence. The Los Angeles Times (10/17, Mai-Duc, 4.49M) reports, “California

Republican House members have received more than \$1 million from a committee that recently benefited from a fundraiser with Vice President Pence. California Victory 2018 – a joint fundraising committee that helps” PACs “belonging to Pence and Rep. Kevin McCarthy as well as congressional campaign accounts of McCarthy and seven California Republicans – received proceeds from a string of Pence fundraisers across the state last week.”

Endorsing Flake Primary Foe Ward, Bannon Rips McConnell, Senate Republicans.

The AP (10/17, Beaumont, Christie) reports that ex-White House chief strategist Steve Bannon on Tuesday “doubled down on his criticism of the GOP establishment” during a fundraising event benefiting ex-state Sen. Kelli Ward (R-AZ), who is mounting a 2018 primary challenge to Sen. Jeff Flake (R-AZ). Appearing in Scottsdale, Bannon “heaped disdain on Senate Majority Leader Mitch McConnell and other incumbent Republicans, saying they failed President Donald Trump by not backing his agenda and are openly critical of their own president.” Said Bannon, who was joined at Tuesday’s event by conservative talk show host Laura Ingraham, “If you saw how they try to rip him apart every day, how they are trying to destroy him every day. And yes, I’m talking about Mitch McConnell and the Senate Republicans.”

The Arizona Republic (10/17, Nowicki, 968K) reports that Bannon’s appearance “was the biggest indicator to date that the allies of...Trump are settling on Ward as their preferred challenger to Flake.” The Republic adds that Bannon blasted McConnell, “and vowed that the Republican elite are destined to ‘reap the whirlwind’ and ‘that whirlwind is Kelli Ward.’” The “remarks were another salvo in the ‘war’ Bannon has declared on the GOP establishment. ‘It’s an open revolt, and it should be,’ Bannon said before introducing Ward at her campaign’s formal kickoff event.”

Politico Analysis: Some Bannon Candidates Also Backed By GOP Establishment. Politico (10/17, Karni, 3.6M) reports that Steve Bannon recently backed state Auditor Matt Rosendale’s (R) Montana Senate bid “as part of his war on the GOP establishment.” However, Bannon’s “interest in Rosendale – as well as many of the other candidates” he’s backing – “has some Washington GOP power brokers confused by his definition of ‘anti-

establishment.’ For months, the National Republican Senatorial Committee has been media training Rosendale,” who’s “also a client of the consulting firm On Message, Inc., one of the most ‘establishment’ consulting firms in Washington.” Politico added, “The overlap between the ‘establishment-backed’ candidates and those Bannon is elevating in hopes of taking down the establishment has some accusing him of being more interested in a one-man show than his ‘season of war against a GOP establishment.’”

Nicholson Hails “Huge Endorsement” By Bannon In GOP Primary. In a report on Sen. Tammy Baldwin’s (D-WI) 2018 reelection race, the AP (10/17, Bauer) focuses on the GOP primary, saying that businessman Kevin Nicholson (R) has “won the backing of former presidential strategist Steve Bannon in Wisconsin’s US Senate race, a surprise move that sent shockwaves Tuesday through the” Republican contest. Nicholson is battling state Sen. Leah Vukmir (R-WI) in the GOP primary. The AP says, “The endorsement by a political action committee backed by Bannon,” the Great America PAC, “comes after both Nicholson and Vukmir met separately in private with Bannon.” Nicholson “tweeted on Tuesday that he was ‘humbled by this huge endorsement’ by Bannon.”

Hill Analysis: Trump’s Support Gives Barletta Edge In Crowded Primary. In a report on Sen. Bob Casey’s (D-PA) 2018 reelection race, The Hill (10/17, Kamisar, Hagen, 1.68M) said that Rep. Lou Barletta (R-PA) “is seen as the leading GOP candidate to take on” the incumbent Democrat, “with his chances boosted further after a de facto endorsement from President Trump last week. During a Harrisburg, Pa., rally last Wednesday, Trump lauded” Barletta “as a ‘great guy’ who will ‘win big,’” and “then repeated the praise during an interview with Fox News host Sean Hannity. Trump’s praise will give Barletta, an early Trump endorser during the presidential race and a key campaign surrogate, a major bump in a crowded primary field that also includes wealthy real estate developer Jeff Bartos.”

Eight Democrats On CNN’s List Of “10 Senate Seats Most Likely To Switch Parties” In 2018. On its website, CNN (10/17, Bradner, 33.59M) offered its list of “the 10 Senate seats most likely to switch parties in the